

February 28, 1974 Federal Register

February 28, 1974—Pages 7767-7914

THURSDAY, FEBRUARY 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 41

Pages 7767-7914

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federal register

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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Title 3—The President

PROCLAMATION 4270

Vietnam Veterans Day

By the President of the United States of America

A Proclamation

As America enters its second year of peace after a decade of conflict, it is highly appropriate for us to acknowledge the debt we owe to those veterans who served in the Armed Forces during the conflict in Southeast Asia. The untiring devotion that characterized our Armed Forces during this trying conflict is a tribute to the national character.

There are over six and one-half million Vietnam-era veterans, of whom more than two and one-half million served in Vietnam. Despite significant disruptions in their lives and other personal sacrifices, they answered the call of their country and served with great distinction.

As a Nation, we have acknowledged our deep respect and admiration by setting aside March 29, 1974, as Vietnam Veterans Day to remember that the honorable peace America achieved came through great sacrifice. Those who served, those who gave their lives, those who were disabled, and those who are still missing in Southeast Asia—and whose full accounting we shall continue to seek—deserve the profound gratitude of their countrymen. For this purpose, the Congress has authorized and requested me to issue a proclamation designating March 29, 1974, as Vietnam Veterans Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, urge the people of this Nation to join in commemorating Friday, March 29, 1974, as Vietnam Veterans Day with suitable observances.

I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day; and I request officials of Federal, State, and local Governments, and civic and patriotic organizations, to give their enthusiastic support to appropriate ceremonies and observances throughout the Nation.

I urge all citizens of every age to participate in the events of this day as one means of honoring those men and women who served their country faithfully and courageously during the Vietnam conflict.

THE PRESIDENT

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

A handwritten signature in dark ink, appearing to read "Richard Nixon", with a long horizontal flourish extending to the right.

NOTE: For the text of Presidential remarks of February 26, 1974, in connection with Proc. 4270, above, see Weekly Comp. of Pres. Docs., Vol. 10, No. 9, issue of March 4, 1974.

[FR Doc. 74-4835 Filed 2-26-74; 12:31 pm]

PROCLAMATION 4271

National Safe Boating Week, 1974

By the President of the United States of America

A Proclamation

For many Americans, boating has become a major source of leisure-time pleasure. To avoid turning pleasure into tragedy, however, we must always be mindful of our shared responsibility to use our waterways in a safe manner. Furthermore, with the pressures of the energy crisis forcing a reduction in our available fuel supplies, Americans who utilize our waterways should be mindful of the need to conserve fuel to aid in meeting our energy needs.

Aware of the need for boating safety, the Congress enacted the joint resolution of June 4, 1958 (72 Stat. 179), which requests that the President proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning June 30, 1974, as National Safe Boating Week.

All Americans who utilize our waterways for recreation should possess at least a minimum knowledge of safety afloat for their own protection and for the protection of their passengers and craft. I urge all Americans who engage in recreational boating to take advantage of the numerous safe boating courses sponsored by governmental and private organizations and I particularly urge inexperienced operators of small boats to enroll in educational programs designed to teach the fundamentals of safe boating since they seem more prone to boating accidents or tragedies.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Commissioner of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.74-4836 Filed 2-26-74;12:31 pm]

PROCLAMATION 4272

Quantitative Limitation on the Importation of Certain Meats Into the United States

By the President of the United States of America

A Proclamation

WHEREAS section 2(a) of the act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the act"), declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereinafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which, in the absence of the limitations under the act, would be imported during such calendar year (hereinafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2 (a) and (b) of the act, estimated the adjusted base quantity of meat for the calendar year 1974 to be 1,027.9 million pounds and estimated the potential aggregate imports of meat for 1974 to be 1,575.0 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1974, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1974 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the act is in effect with respect to the calendar year 1974; and

WHEREAS section 2(c)(1) of the act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during

THE PRESIDENT

the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the act; and

WHEREAS section 2(d) of the act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1974, is limited to 1,027.9 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1974 unless, because of changed circumstances, it becomes necessary to take further action under the act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.74-4837 Filed 2-26-74;12:32 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases a portion of Lea County in New Mexico and a portion of Wichita County in Kansas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in New Mexico nor Kansas remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of New Mexico and paragraph (d) relating to the State of Kansas are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective February 25, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of February 1974.

J. M. HEJL,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.74-4767 Filed 2-27-74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Miscellaneous Amendments

Parts 304 and 305 of Chapter III of Title 13 of the Code of Federal Regulations (38 FR 2271, 2276) are hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Section 304.1(a) and the introductory paragraph of § 305.56 are amended to read as follows:

§ 304.1 OEDP requirement.

(a) Approval of an overall economic development program, hereinafter referred to as OEDP, is a prerequisite for designation of a redevelopment area, title I area, or economic development district except those areas designated under §§ 302.5 and 302.7 of this chapter.

§ 305.56 Technical feasibility.

Completed plans and specifications are not required in applications for public works and development facilities.

(Sec. 701, Pub. L. 89-130 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 670 and Department of Commerce Organization Order 10-4 (April 1, 1970))

Effective date. These amendments become effective on February 28, 1974.

Dated: February 20, 1974.

WILLIAM W. BLUNT, Jr.,
Assistant Secretary
for Economic Development.

[FR Doc.74-4671 Filed 2-27-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-GL-1; Amdt. 39-1794]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Model F-28A

There has been a fatigue type failure of the ring gear carrier (P/N 28-13106) in the main rotor gear box of an Enstrom Model F-28A Helicopter that resulted in the total loss of power to the rotor shaft. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require the replacement of the present ring gear carrier with one of a new design on Enstrom Model F-28A Helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ENSTROM. Applies to Model F-28A Helicopter Main Rotor Gear Box Serial Numbers:

2A	49
3A	51
6	53
8	56
9	70
10	72
12	73
13	74
14	75
15	76
20	77
21	78
25	86
26	95
28	100
29	07
30	012
31	017
32	019
34	027
35	032
36	037
38	057
39	060
40	084
41	085
42	088
43	089
44	093
46	094
47	097
48	098

099	21-003-72
01-001-71	22-001-73
01-073-69	23-001-73
02-001-71	23-003-73
02-02-71	25-002-73
02-13-70	26-001-73
03-001-72	27-001-73
03-002-72	27-002-73
04-001-72	27-003-73
05-003-72	27-004-73
06-001-72	28-001-73
06-002-72	30-001-73
07-001-72	31-001-73
07-002-72	31-002-73
07-004-72	32-001-73
07-005-72	32-002-73
07-006-72	32-004-73
08-002-72	32-005-73
09-001-73	32-006-73
09-002-72	32-007-73
09-04-69	33-001-73
09-06-69	33-002-73
09-07-69	33-003-73
10-001-72	33-006-73
10-002-72	35-001-73
11-001-72	35-002-73
11-002-72	35-003-73
12-001-72	35-004-73
13-002-72	36-001-73
13-003-72	36-002-73
13-004-73	36-003-73
14-001-72	37-001-73
14-005-72	37-003-73
14-006-72	37-005-73
15-001-72	38-001-73
16-001-72	39-001-73
16-002-72	39-002-73
17-001-72	40-001-73
20-001-72	43-001-73
21-001-72	43-002-73
21-002-72	

Compliance: Required as indicated unless already accomplished. All Main Rotor Gear Boxes that have been overhauled in compliance with this airworthiness directive can be identified by an "F" after the serial number.

To prevent complete failure of the ring gear carrier, accomplish the following:

(a) Main rotor gear boxes with 975 hours or more time in service since new must be overhauled in accordance with Enstrom Service Note No. 0017 dated January 9, 1974, within the next 25 hours time in service after the effective date of this airworthiness directive.

(b) Main rotor gear boxes with less than 975 hours in service, since new, as of the effective date of this airworthiness directive, must be overhauled in accordance with Enstrom Service Note No. 0017 dated January 9, 1974, prior to the accumulation of 1,000 hours in service, since new.

(c) Main rotor gear boxes whose hours in service since new are unknown will be assumed to have a total of 975 hours minimum since new and thus must be overhauled in accordance with Enstrom Service Note No. 0017 dated January 9, 1974, within the next 25 hours after the effective date of this airworthiness directive.

This amendment becomes effective March 7, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on February 21, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-4721 Filed 2-27-74; 8:45 am]

[Airspace Docket No. 74-GL-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Deletion and Addition of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate twenty-two new reporting points in the Minneapolis ARTC center area, and revoke one reporting point in the Cleveland ARTC center area.

The additional reporting points are located in an area of inadequate radar coverage. Their designation as compulsory reporting points will assist in the control of air traffic and in the reduction of communications workload. The Pioneer, Ohio, reporting point is no longer required for air traffic control.

Since designation and rescission of reporting points are minor matters upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, in order to allow sufficient time for the change to be reflected on appropriate aeronautical charts, this amendment will become effective more than 30 days after publication in the Federal Register.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., May 23, 1974, as hereinafter set forth.

Section 71.203 (39 FR 620) is amended by deleting "Pioneer INT: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 288° radials." and by adding the following:

Mitchell, S. Dak.
Worthington, Minn.
Park Rapids, Minn.
Hibbing, Minn.
Darwin, Minn.
Fairmont, Minn.
Mankato, Minn.
Ironwood, Mich.
Marquette, Mich.
Iron Mountain, Mich.
Escanaba, Mich.
Menominee, Mich.
Schoolcraft, Mich.
Gaylord, Mich.
Manistee, Mich.
Mankato, Kans.
Columbus, Nebr.
Hastings, Nebr.
Kearney, Nebr.
Norfolk, Nebr.
Yankton, S. Dak.
Union, Wis. INT: INT Duluth, Minn., 136° radial and Seeley, Wis., NDB 029° bearing.
Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 22, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-4722 Filed 2-27-74; 8:45 am]

[Airspace Docket No. 74-WA-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke a common segment of V-53, V-128, and V-144 which are codesignated between Peotone, Ill., and the intersection of Naperville, Ill., 089° and Peotone, 003° radials.

Concurrent with the decommissioning of Naperville VOR on March 28, 1974, the Chicago, Ill., Midway Airport terminal area procedures will be revised so that V-53/V-128/V-144 will no longer be required north of Peotone. These airway segments are based in part on Naperville VOR, and action is taken herein for their revocation.

Since this amendment is minor in nature and one, upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary. This amendment could become effective upon publication in the Federal Register, but to provide sufficient time for this alteration to be placed on aeronautical charts, it will become effective more than 30 days after publication.

In consideration of the following, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., April 25, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307 and 33588) is altered as follows:

In V-53—"Peotone; INT Peotone 003° and Naperville, Ill., 089° radials." is deleted and "to Peotone." is substituted therefor.

In V-128—"From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone;" is deleted and "From Peotone, Ill., via" is substituted therefor.

In V-144—"From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone;" is deleted and "From Peotone, Ill., via" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 21, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-4723 Filed 2-27-74; 8:45 am]

[Docket No. 13548; Amdt. No. 005]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective March 28, 1974.

Gulkana, Alaska—Gulkana Arpt., LFR-A, Amdt. 12, canceled.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective April 11, 1974.

Albuquerque, N.M.—Alameda Arpt., VOR TAC-A, Orig.

Corvallis, Ore.—Corvallis Municipal Arpt., VOR/DME Rwy 35, Amdt. 3.

Holly Springs, Miss.—Holly Springs-Marshall County Arpt., VOR Rwy 18, Amdt. 1.

Langhorne, Pa.—Buehl Field, VOR Rwy 6, Amdt. 3.

McComb, Miss.—McComb Pike County Arpt., VOR/DME-A, Amdt. 4.

Modesto, Calif.—Modesto City-County Arpt., VOR Rwy 10L/R, Amdt. 3.

Modesto, Calif.—Modesto City-County Arpt., VOR Rwy 28L/R, Amdt. 3.

Orlando, Fla.—Herndon Arpt., VOR Rwy 13, Amdt. 7.

Orlando, Fla.—Herndon Arpt., VOR Rwy 31, Amdt. 7.

Philadelphia, Pa.—North Philadelphia Arpt., VOR Rwy 6, Amdt. 7.

San Juan, P.R.—Puerto Rico Int'l. Arpt., VOR Rwy 7 and 10, Amdt. 1.

San Juan, P.R.—Puerto Rico Int'l. Arpt., VOR-A, Amdt. 15.

Seattle, Wash.—Seattle-Tacoma Int'l. Arpt., VOR Rwy 16L/R, Amdt. 6.

Stockton, Calif.—Stockton Metropolitan Arpt., VOR Rwy 29R, Amdt. 14.

• • • effective March 28, 1974.

Gulkana, Alas.—Gulkana Arpt., VOR Rwy 14, Amdt. 4.

Gulkana, Alas.—Gulkana Arpt., VOR Rwy 32, Amdt. 4.

• • • effective March 7, 1974.

Harlingen, Tex.—Harlingen Industrial Airpark, VOR Rwy 13, Amdt. 4.

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective April 11, 1974.

Orlando, Fla.—Herndon Arpt., LOC (BO) Rwy 25, Amdt. 8.

San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC (BO) Rwy 25, Amdt. 3.

• • • effective March 28, 1974.

Fort Worth, Tex.—Meacham Field, LOC (BO) Rwy 34R, Orig.

• • • effective March 14, 1974.

Denver, Colo.—Stapleton Int'l. Arpt., LOC (BO) Rwy 8R, Amdt. 7, canceled.

• • • effective January 11, 1974.

Tallahassee, Fla.—Tallahassee Municipal Arpt., LOC (BO) Rwy 18, Amdt. 8.

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective April 11, 1974.

Corinth, Miss.—Roscoe Turner Arpt., NDB Rwy 17, Amdt. 2.

Corinth, Miss.—Roscoe Turner Arpt., NDB Rwy 35, Amdt. 2.

Orlando, Fla.—Herndon Arpt., NDB Rwy 7, Amdt. 6.

San Juan, P.R.—Puerto Rico Int'l. Arpt., NDB Rwy 7 and 10, Amdt. 1.

Stockton, Calif.—Stockton Metropolitan Arpt., NDB Rwy 29R, Amdt. 11.

• • • effective March 28, 1974.

Fort Worth, Tex.—Meacham Field, NDB Rwy 34R, Orig.

Gulkana, Alaska—Gulkana Arpt., NDB-A, Orig.

• • • effective March 7, 1974.

Harlingen, Tex.—Harlingen Industrial Airpark, NDB Rwy 17R, Amdt. 4.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective April 11, 1974.

Modesto, Calif.—Modesto City-County Arpt., ILS Rwy 28R, Amdt. 2.

Orlando, Fla.—Herndon Arpt., ILS Rwy 7, Amdt. 9.

San Juan, P.R.—Puerto Rico Int'l. Arpt., ILS Rwy 7, Amdt. 6.

Stockton, Calif.—Stockton Metropolitan Arpt., ILS Rwy 29R, Amdt. 14.

• • • effective March 14, 1974.

Denver, Colo.—Stapleton Int'l. Arpt., ILS BO Rwy 8R, Orig.

• • • effective March 7, 1974.

Atlantic City, N.J.—NAFEC, Atlantic City Arpt., ILS Rwy 31, Orig.

Harlingen, Tex.—Harlingen Industrial Airpark, ILS Rwy 17R, Amdt. 2.

Salinas, Calif.—Salinas Municipal Arpt., ILS/DME Rwy 31, Orig., canceled.

• • • effective February 28, 1974.

Louisville, Ky.—Standiford Field, ILS Rwy 1, Orig.

• • • effective February 14, 1974.

Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., ILS Rwy 23L, Amdt. 2.

6. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective April 11, 1974.

Albuquerque, N.M.—Alameda Arpt., RADAR-1, Orig.

Orlando, Fla.—Herndon Arpt., RADAR-1, Amdt. 14.

7. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective April 11, 1974.

Albuquerque, N.M.—Alameda Arpt., RNAV Rwy 17, Orig.

McComb, Miss.—McComb-Pike County Arpt., RNAV, Rwy 33, Amdt. 3.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on February 21, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-4724 Filed 2-27-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-73]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Official Receipt of Payment of Duties at Time of Entry or Payment of Bill

On August 3, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 20896), setting forth proposed amendments to § 24.3 (b) and (c) of the Customs Regulations relating to the receipt given by Customs upon the payment of duties at the time of entry or the payment of a Customs bill. Interested persons were given until September 4, 1973, to submit relevant data, views, or arguments regarding the proposed amendments to the regulations.

Careful consideration of the comments received has resulted in a change in the proposed wording of § 24.3(b) of the Customs Regulations, relating to the payment of Customs duties at the time of entry, to emphasize that a receipt of payment will be furnished the payer if he submits with his entry and payment either an additional copy of the entry or an additional copy of Customs Form 5101 (Entry Record). In addition, the reference in the proposed wording of § 24.3 (c) of the Customs Regulations to the "Bureau of Customs Copy" of the Customs bill has been changed to the "U.S. Customs Service Copy" to reflect the change in the name of that agency.

Accordingly, paragraphs (b) and (c) of § 24.3 of the Customs Regulations are amended as set forth below.

Effective date. These amendments shall become effective on April 1, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 14, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

Paragraphs (b) and (c) of § 24.3 are amended to read as follows:

§ 24.3 Bills and accounts; receipts.

(b) A receipt for the payment of Customs duties made at the time of entry on a dutiable consumption entry or an appraisement entry will be provided a payer if he submits with his payment either an additional copy of the entry or an additional copy of Customs Form 5101. The additional copy shall be validated as paid by the appropriate Customs official and returned to the payer. Otherwise, a copy of the entry and the payer's cancelled check shall constitute evidence of the payment of duties.

(c) A copy of a Customs bill validated as paid will not normally be provided a payer. If a bill is paid by check, the copy of the Customs bill identified as "Payer's Copy" and the payer's cancelled check shall constitute evidence of such payment to Customs. Should a payer desire evidence of receipt, both the "U.S. Customs Service Copy" and the "Payer's Copy" of the bill and, in the case of payments by mail, a stamped, self-addressed envelope, shall be submitted. The "Payer's Copy" of the bill shall then be marked paid by the appropriate Customs official and returned to the payer.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[FR Doc.74-4715 Filed 2-27-74; 8:45 am]

[T.D. 74-72]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

PART 141—ENTRY OF MERCHANDISE
Identification and Importer Numbers

On September 5, 1973, a notice of proposed rulemaking setting forth proposed amendments to §§ 24.5(a) and 141.61(d) of the Customs Regulations, which would require importers of record and ultimate consignees to file for an importer's identification number and to submit this number with all formal consumption entries, was published in the *FEDERAL REGISTER* (38 FR 23954). At present, importers of record or ultimate consignees of duty-free merchandise making a formal entry are not required to file for, and use, an importer's identification number, whereas importers of record and ultimate consignees of dutiable merchandise making a formal entry are so required.

After reviewing the comments received in regard to the proposed amendments, the word "formal" is inserted before the term "consumption entry" in the pro-

posed amendment to § 141.61(d) to clarify that the importer number requirement applies to formal entries, whether free or dutiable, but does not apply to informal entries.

Accordingly, with this one change, the proposed amendments to §§ 24.5(a) and 141.61(d) of the Customs regulations are adopted as set forth below.

Effective date. This amendment shall become effective on April 1, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 15, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

Paragraph (a) of § 24.5 is amended to read as follows:

§ 24.5 Filing identification number.

(a) Each person, business firm, Government agency, or other organization shall file Customs Form 5106, Notification of Importer's Number or Application for Importer's Number, or Notice of Change of Name or Address, with the first formal entry which he submits or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. Customs Form 5106 shall also be filed for the ultimate consignee for which such entry is being made.

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1624)

Paragraph (d) of § 141.61 is amended to read as follows:

§ 141.61 Completion of entry papers.

(d) *Customs Form 5101.* A Customs Form 5101 (Entry Record) shall be prepared by the importer and all three copies, with carbon paper left in, shall be presented with each formal consumption entry, and with each warehouse, appraisement, vessel repair, or drawback entry. * * *

(R.S. 251, as amended, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1624)

[FR Doc.74-4713 Filed 2-27-74; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS
PART 90—EMERGENCY PERMIT CONTROL

Procedures Regarding Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Extension of Effective Dates

In the *FEDERAL REGISTER* of January 29, 1974 (39 FR 3748) the Commissioner of Food and Drugs amended Chapter I of Title 21 of the Code of Federal Regulations by adding to Part 90 a new Subpart

A—Definitions and Procedures and a new Subpart B—Requirements and Conditions for Exemption From or Compliance With an Emergency Permit and by revising the record retention requirements in paragraph (d) of § 128b.8 *Processing and production records*. These amendments were to become effective on February 28, 1974 except that, with respect to Subpart B, the provisions of § 90.20(g) which relate to personnel training were to become effective on September 25, 1974 and the requirements relating to process filing were to become effective on April 1, 1974.

The Commissioner has received a request from the National Canners Association (NCA) to extend the effective date of the personnel training provisions of § 90.20(g) so as to ensure that all affected persons are provided adequate time in which to receive appropriate training.

The NCA has also requested that the effective date of the other provisions of Subparts A and B of Part 90 and the revision of § 128b.8 be extended to provide time for representatives of the NCA and the Food and Drug Administration to meet for the purpose of resolving technical problems which the NCA asserts these regulations now present.

Good reason therefor appearing the effective date of Subparts A and B of Part 90 and the revision of § 128.8(d) as published in the *FEDERAL REGISTER* of January 29, 1974 is hereby extended to April 1, 1974 except that, with respect to Subpart B, the provisions of § 90.20(g) which relate to personnel training shall become effective on March 25, 1975 and the requirements relating to process filing shall become effective on April 30, 1974.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 404, 701, 52 Stat. 1046-1047 as amended, 1048, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 342, 344, 371)) and under authority delegated to the Commissioner (21 CFR 2.120).

SAM D. FINE,
Associate Commissioner
for Compliance.

FEBRUARY 15, 1974.

[FR Doc.74-4073 Filed 2-27-74; 8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 67—POSTAL SERVICE

Revised Procedures Regarding Postage Rates

This document revises the procedures by which certain postage rates for the Canal Zone Postal Service are established and increases certain international postage rates. The document provides for the incorporation by reference by the Canal Zone Postal Service as Canal Zone postal rates certain permanent and temporary postage rates prescribed by published in the *FEDERAL REGISTER* and

the United States Postal Service and increases certain international postage rates which are not incorporated by reference to United States Postal Service rates. The purpose of the amendment is to retain the long-established comparability between Canal Zone postage rates and those established by the United States Postal Service.

1. Section 67.91 is revised to read as follows:

§ 67.91 Domestic rates for first-class mail.

(a) Except as otherwise provided by this section, the domestic postage rates for first-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone and to regular mail exchanged with the Republic of Panama, the United States, its Territories, Possessions, and the Commonwealth of Puerto Rico.

(b) First-class matter, defined by the United States Postal Service as priority mail, which is mailed in the Canal Zone and destined to the Canal Zone and the Republic of Panama is subject to the first-class rate prescribed by the United States Postal Service and published in the FEDERAL REGISTER for such mail destined to the Local Zone and Zones 1, 2, and 3.

(c) First-class matter, defined by the United States Postal Service as priority mail, which is mailed in the Canal Zone and destined to the United States, its Territories, Possessions, and the Commonwealth of Puerto Rico is subject to the first-class rates prescribed by the United States Postal Service and published in the FEDERAL REGISTER for such mail destined to Zone 8.

2. Section 67.93 is revised to read as follows:

§ 67.93 Weight and size limits.

The weight and size limits for first-class mail prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone.

3. Section 67.111 is revised to read as follows:

§ 67.111 Rates for publications, generally.

The following postage rates apply to all publications except those accepted at the special rate or the classroom rate:

(a) *For delivery in the Canal Zone.* Domestic second-class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER.

(b) *For delivery in the United States, its Territories and Possessions.* Domestic second-class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER.

4. Section 67.112 is revised to read as follows:

§ 67.112 Special rates publications.

When specifically authorized by the Director of Posts, the domestic second-

class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER for publications issued by religious, educational, scientific, philanthropic, agricultural, labor, veterans' or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, are applicable to and within the Canal Zone.

5. Section 67.113 is revised to read as follows:

§ 67.113 Rates for classroom publication.

The domestic second-class rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER for religious, educational, or scientific publication designed specifically for use in school classroom or in religious instruction classes, are applicable to and within the Canal Zone.

6. Section 67.114 is revised to read as follows:

§ 67.114 Transient rate.

The domestic transient rates of postage prescribed by the United States Postal Service and published in the FEDERAL REGISTER for second-class matter mailed by the public and to persons not included in list of subscribers are applicable to and within the Canal Zone.

7. Section 67.115 is hereby revoked.

§ 67.115 [Revoked]

8. Section 67.121(a) is revised to read as follows:

§ 67.121 Controlled circulation publications.

(a) Except as provided by paragraph (b) of this section, controlled circulation publications are subject to the domestic postage rates, weight limits and conditions prescribed by the United States Postal Service and published in the FEDERAL REGISTER for such matter.

9. In § 67.131, the introductory paragraph and paragraph (a) are revised to read as follows:

§ 67.131 Applicability of Federal postal regulations.

The domestic postage rates and regulations for third-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone as follows:

(a) *Rates.* The domestic postage rates for third-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone and to such third-class matter when mailed in the Canal Zone and destined for the United States, its Territories, Possessions, and the Commonwealth of Puerto Rico.

10. In § 67.141, the unnumbered paragraph and paragraphs (c) and (d) are revised to read as follows:

§ 67.141 Rates for fourth-class matter.

The postage rates for domestic fourth-class matter prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable to and within the Canal Zone as follows:

(c) *Special fourth-class rate.* The rates of postage as prescribed for special fourth-class matter when mailed in the Canal Zone and destined for the Canal Zone, and the United States, its Territories and Possessions.

(d) *Library rate.* The rates of postage as prescribed for library matter mailed by public libraries and certain non-profit organizations, under the conditions outlined and when addressed for delivery in the Canal Zone and the United States, its Territories and Possessions.

11. Section 67.161(a) (2) is revised to read as follows:

AIR AND PRIORITY MAIL
§ 67.161 Domestic destinations.

(a) * * *

(2) *United States, its Territories and Possessions and the Commonwealth of Puerto Rico.* The domestic postage rates for air and priority mail as prescribed by the United States Postal Service and published in the FEDERAL REGISTER are applicable.

12. In § 67.163, paragraphs (b) (1) (2), and (3) are revised to read as follows:

§ 67.163 Foreign destinations.

(b) *Rates—(1) Letter and letter packages,¹ Postal Union "Other Articles."* These rates are based on a two-zone structure, except Panama, as follows:

Panama—13¢ per half ounce.
Zone A. North America, Caribbean Islands, Bahamas, Bermuda, St. Pierre, Miquelon, South America, and Central America except Panama—25¢ per half ounce up to and including 2 ounces, 20¢ each additional half ounce.

Zone B. All other countries—35¢ per half ounce up to and including 2 ounces, 30¢ each additional half ounce.

(2) *Postcards (single):* Cents each
Panama 11
All other countries 20

(3) *Aerogrammes (air-letter sheets):*
Panama 13
All other countries 20

13. In § 67.591, paragraphs (b) and (c) are revised to read as follows:

§ 67.591 Surface mails.

(b) *Postal Union Mail.* (1) Surface rates for letter mail, except letter mail destined to Panama which is subject to the rates established by § 67.91, printed matter, and small packets are as follows:

¹Consult 39 CFR for list of countries to which articles liable to customs duties (merchandise) may be forwarded in letters and letter packages.

Ounces	Letter mail	Printed matter	Small packets
1.....	\$0.18	\$0.10	\$0.18
2.....	.31	.10	.18
4.....	.41	.16	.18
8.....	.92	.32	.35
16.....	1.74	.60	.58
32.....	2.89	.85	1.04
64.....	4.62	1.16	
Each additional 32 oz.....		.58	

(2) Surface rates for post cards are as follows:

	Cents each
Panama	8
All other countries	12

(3) Surface rates for books and sheet music and publishers second-class matter are as follows:

(i) To PUAS Countries except Spain and Spanish possessions:

Classifications	Surface rates
Panama	Domestic 1st and 2nd Zone Fourth-class rate.
Zone 1—North America, Caribbean Islands, Bahamas, Bermuda, St. Pierre, Miquelon and Central America, except Panama.	\$1.40 first two pounds, 40 cents each additional pound or fraction thereof.
Zone 2—All other countries.....	\$1.55 first two pounds, 45 cents each additional pound or fraction thereof.

Effective date. This revision is effective March 2, 1974.

(2 C.Z.C. 1131-1143, 76A Stat. 38-40)

DAVID S. PARKER,
Governor of the Canal Zone.

FEBRUARY 25, 1974.

[FR Doc.74-4712 Filed 2-27-74; 8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

INSTITUTIONAL TRAINING

On page 1644 of the FEDERAL REGISTER of January 11, 1974, there was published a notice of proposed regulatory development to amend § 21.4275 to provide that students receiving clinical training in a dentist's office in an approved course shall be institutional trainees and that students training pursuant to section 206, Pub. L. 93-82 (87 Stat. 179) shall be considered in institutional training. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Ounces	Books and sheet music	Publisher's 2d class
2.....	\$0.20	\$0.04
4.....	.20	.06
8.....	.20	.10
16.....	.20	.17
32.....	.23	.23
64.....	.48	.48
Each additional 32 oz.....	.24	.24

(ii) To all other countries including Spain and Spanish possessions:

Ounces	Books and sheet music	Publisher's 2d class
2.....	\$0.20	\$0.04
4.....	.20	.07
8.....	.20	.11
16.....	.20	.20
32.....	.34	.34
64.....	.57	.57
Each additional 32 oz.....	.29	.29

(4) Matter for the blind is accepted free of postage for surface mail.

(c) Parcel Post. Surface rates are as follows:

training if the course is accredited by the Council on Medical Education, American Medical Association, or the Council on Dental Education, American Dental Association. If the course is not so accredited such practical or on-the-job training or experience in a physician's office may not be included unless the program is approved as a cooperative course.

(d) *Medical and dental assistants courses.* Programs offered by an institution to qualify a person for the position of full-time physician's assistant or dentist's assistant will be regarded as institutional training. These programs will be measured on a credit hour or clock hour basis as appropriate. Programs including classroom and on-the-job training, will be considered full-time if 30 clock hours of attendance per week are required. Part time measurement shall be in accordance with the provisions of § 21.4270 (a) or (c) as appropriate.

[FR Doc.74-4740 Filed 2-27-74; 8:45 am]

PART 36—LOAN GUARANTY

Flood Insurance Requirements

The Veterans Administration is amending §§ 36.4222, 36.4326, 36.4512(b) and 36.4600(c) (3) and promulgating a new § 36.4402(f), Title 38 of the Code of Federal Regulations to require flood insurance protection, as mandated by the Flood Disaster Protection Act of 1973 (Pub. L. 93-234; 87 Stat. 975).

While we consider that flood insurance is now customary in all areas under the existing § 36.4222 relating to mobile homes, we are amending this section to assure that there is full compliance with the requirements of the Flood Disaster Protection Act of 1973.

The amendments are issued pursuant to the authority of section 210(c), title 38, United States Code.

Compliance with the provisions of § 1.12 of this chapter is waived, because the amendments are implementing a statutory mandate.

1. Section 36.4222 is revised to read as follows:

§ 36.4222 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be required, including coverage of the contents to the extent such contents are security for the loan, in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding

balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

2. Section 36.4326 is revised to read as follows:

§ 36.4326 Hazard insurance.

The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. Flood insurance will be required in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

3. In § 36.4402, paragraph (f) is added to read as follows:

§ 36.4402 Eligibility.

(f) The housing unit, if located in an area identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which the sale of flood insurance has been made available under the national flood insurance program, is or will be covered by flood insurance for the lesser of the full insurable value of the property or the maximum flood insurance available under the national flood insurance program.

4. In § 36.4512, paragraph (b) is revised to read as follows:

§ 36.4512 Taxes and insurance.

(b) The borrower shall maintain insurance against fire and such other hazards as may be required by the Veterans Administration, in such type or types and in such amounts as may be satisfactory to the Veterans Administration, covering the improvements then or thereafter on the property securing the loan. Flood insurance will be required in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding

balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less. All such hazard and flood insurance shall be carried with a company or companies satisfactory to the Veterans Administration and the policies and renewals thereof shall be held in the possession of the Veterans Administration and have attached thereto a mortgagee loss payable clause in favor of and in form satisfactory to the Veterans Administration.

5. In § 36.4600, paragraph (c) (3) is amended to read as follows:

§ 36.4600 Sale of loans, guarantee of payment.

(c) The holder of each loan sold subject to guaranty shall be deemed to have agreed with the Administrator as follows:

(3) To maintain insurance in an amount sufficient to protect the security against risks or hazards to which it may be subjected to the extent customary in the locality, and to apply the proceeds of loss payments to the loan balance or to the restoration of the security, as the holder may in his discretion deem proper. Flood insurance will be required in respect to any loan closed on and after March 2, 1974, if the security is located in an area identified by the Secretary of Housing and Urban Development as having special flood hazards and in which the sale of flood insurance is available under the national flood insurance program. The amount of flood insurance required will be equal to the outstanding balance of the loan or the maximum limit of coverage available for the particular type of property under the national flood insurance program, whichever is less.

Effective date. These VA Regulations are effective March 2, 1974.

Approved: February 22, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUBEUSH,
Deputy Administrator.

[FR Doc.74-4748 Filed 2-27-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

PART 35—STATE AND LOCAL ASSISTANCE

Subpart B—Program Grants

Interim regulations are hereby promulgated to amend certain portions of the Environmental Protection Agency State and local assistance grant regulations (40 CFR Part 35) which pertain to air and water program grants.

The amendments delete the air pollution control interstate planning grant regulations from the air pollution control

program grant regulations. Major revisions to the air pollution control program grant regulations are: (1) The regulations are now structured similar to the water program grant regulations under section 106 of the Federal Water Pollution Control Act Amendments of 1972, including output orientation, (2) the premaintenance and maintenance concept has been eliminated, (3) the regulations now provide for issuance of annual national air strategy guidance to the regions and States, (4) agency programs are to be based on the State implementation plan and EPA annual guidance and are to be evaluated on achievement and effectiveness in meeting the objectives and outputs programmed, and (5) the regulations provide flexibility to the Regional Administrators for reducing grant amounts when a grantee fails to achieve outputs programmed.

Interested parties and Government agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated herewith to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received by March 28, 1974, will be considered prior to the promulgation of final EPA regulations. Suggestions for changes to the regulations promulgated in these subchapters are solicited on a continuous basis pursuant to 40 CFR 30.106.

Effective date. The interim program grant regulations promulgated hereby shall become effective February 25, 1974. All Environmental Protection Agency air program grants awarded after this date shall be subject to these regulations. It is necessary that these regulations take effect prior to a thirty day period following publication to permit control agencies to submit applications for program grants in accordance with the new procedures established pursuant to these regulations. Prior regulations (40 CFR Part 35, Subpart B, published June 9, 1972) governing air program grants shall remain applicable to grants awarded prior to promulgation of these regulations. Prior regulations (40 CFR Part 35, Subpart B, published June 29, 1973) governing the award of water program grants remain in effect.

JOHN QUARLES,
Acting Administrator.

FEBRUARY 15, 1974.

Subpart B—Program Grants

Sec.	Purpose.
35.400	Air pollution control agency grant awards.
35.400-1	Water pollution control program grant awards.
35.400-2	Authority.
35.403	Annual guidance.
35.404	Criteria for evaluation of program objectives.
35.405	Evaluation of agency performance.
35.410	Report of project expenditures.
35.415	Payment.
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35.425	

AIR POLLUTION CONTROL PROGRAM GRANTS

- 35.501 Definitions.
- 35.501-1 Air pollution.
- 35.501-2 Air pollution control agency.
- 35.501-3 Air pollution control program.
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- 35.505 Allocation of funds.
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- 35.510 Grant allotment and amount.
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WATER POLLUTION CONTROL STATE AND INTERSTATE PROGRAM GRANTS

- 35.551 Scope and purpose.
- 35.552 Definitions.
- 35.552-1 Allotment.
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- 35.552-3 State program.
- 35.552-4 Number of pollution sources.
- 35.552-5 State agency.
- 35.552-6 Interstate agency.
- 35.552-7 Reasonable cost.
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- 35.552-9 Recurrent expenditures.
- 35.554 State strategy formulation and program development.
- 35.554-1 State strategy formulation.
- 35.554-2 State program development.
- 35.554-3 Major program elements and outputs.
- 35.555 State program submission.
- 35.556 Public participation.
- 35.557 Program approval.
- 35.558 Allocation of funds.
- 35.558-1 Computation of State allotment ratio.
- 35.558-2 Computation of interstate allocation.
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- 35.558-4 Notification of funds.
- 35.559 Grant amount.
- 35.559-1 Computation of maximum grant.
- 35.559-2 Determination.
- 35.559-3 Reduction of grant amount.
- 35.559-4 Grant amount limit and duration.
- 35.559-5 Eligibility.
- 35.559-6 Limitation of award.
- 35.559-7 Grant conditions.
- 35.560 Program evaluation and reporting.
- 35.560-1 Evaluation.
- 35.560-2 Reports.

AUTHORITY: Secs. 105, 301(b), Clean Air Act, as amended (42 U.S.C. 1857c and 1857g); secs. 106, 501, Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1256, 1361).

§ 35.400 Purpose.

This subpart which establishes and codifies policy and procedures for air and water pollution control program assist-

ance grants, supplements the Environmental Protection Agency's general grant regulations and procedures (Part 30 of this chapter) and is applicable to air and water program grants. These grants are intended to aid programs for the prevention and control of air or water pollution at the State, interstate, or local level.

§ 35.400-1 Air pollution control agency grant awards.

Grants may be awarded to air pollution control agencies for the planning, development, establishment, improvement, and maintenance of programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards in accordance with the applicable implementation plan.

§ 35.400-2 Water pollution control program grant awards.

Grants may be awarded to State and interstate water pollution control agencies to assist them in developing or administering programs for the prevention, reduction, and elimination of water pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

§ 35.403 Authority.

This subpart is issued under sections 105 and 301(b) of the Clean Air Act, as amended (42 U.S.C. 1857c and 1857g) and sections 106 and 501 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1256 and 1361).

§ 35.404 Annual guidance.

The Environmental Protection Agency will develop and disseminate annual guidances to be used by the grantee to structure air and water programs for the coming Federal fiscal year. The guidances will contain a statement of the national strategy including national objectives and national priorities for the year together with planning figures for Federal program grant assistance based on the EPA budget approved by the President. The annual guidances for air and water will be disseminated within thirty days after the President delivers his budget to Congress.

§ 35.405 Criteria for evaluation of program objectives.

(a) Programs set out in the application and submitted in accordance with these regulations shall be evaluated in writing by the Regional Administrator to determine:

(1) Consistency and compatibility of objectives and expected results with EPA national and regional priorities in implementing purposes and policies of the Clean Air Act or the Federal Water Pollution Control Act.

(2) Feasibility of achieving objectives and expected results in relation to existing problems, past performance, program authority, organization, resources and procedures.

(b) Approval of the program developed pursuant to § 35.526 (air) or § 35.

554 (water) shall be based on the extent to which the applicant's program satisfies the above criteria.

§ 35.410 Evaluation of agency performance.

(a) A performance evaluation shall be conducted at least annually by the Regional Administrator and the grantee to provide a basis for measuring progress toward achievement of the approved objectives and outputs described in the program. The evaluation shall be consistent with the requirements of § 35.538 for air pollution control agencies and § 35.560 for water pollution control agencies.

(b) The Regional Administrator shall prepare a written report of the annual evaluation. The grantee shall be allowed 15 working days from the date of receipt to concur with or comment on the findings.

§ 35.415 Report of project expenditures.

Within 90 days after the end of each budget period, the grantee must submit to the Regional Administrator an annual report of all expenditures (Federal and non-Federal) which accrued during the budget period. Beginning in the second quarter of any succeeding budget period, grant payments may be withheld pursuant to § 30.602-1 of this chapter until this report is received.

§ 35.420 Payment.

Grant payments will be made in advance in a manner so as to minimize the time elapsed between receipt of grant funds by the grantee and disbursement by him. Established unified EPA payment procedures will be followed. Notwithstanding the provisions of § 30.305 of this chapter, the first grant payment subsequent to grant award may include reimbursement for all allowable costs incurred from the beginning of the approved budget period, provided that monthly costs incurred from the beginning of the budget period to the date of grant award may not exceed the level of cost incurred in the last month of the prior budget period.

§ 35.425 Federal and grantee program support.

For purposes of establishing the amount of resources which will be committed by the agency to particular budget categories or program elements under §§ 35.527 (air) and 35.554-3 (water), Federal and grantee financial contributions shall be considered as combined sums, and shall not be separately identified for each budget category or program element.

AIR POLLUTION CONTROL PROGRAM GRANTS

§ 35.501 Definitions.

As used herein, the following words and terms shall have the meaning set forth below:

§ 35.501-1 Air pollution.

The presence in the outdoor atmosphere of any dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or a combination

thereof, in sufficient quantities and of such characteristics and duration as to be, or likely to be, injurious to health or welfare, animal or plant life, or property, or as to interfere with the enjoyment of life or property.

§ 35.501-2 Air pollution control agency.

Any of the following:

(a) State air pollution control agency. A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of the Clean Air Act.

(b) Interstate air pollution control agency. An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution.

(c) Municipal air pollution control agency. A city, county, or other local government agency responsible for enforcing ordinances or laws relating to the prevention and control of air pollution.

(d) Intermunicipal air pollution control agency. An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

§ 35.501-3 Air pollution control program.

The annual submission of an air pollution control agency that describes the activities to effectively implement the requirements set forth in § 35.526.

§ 35.501-4 Air quality control region.

An area designated or established pursuant to section 107 of the Clean Air Act.

§ 35.501-5 Implementation plan.

The plan, or revision thereof, which has been approved or promulgated by EPA under section 110 of the Clean Air Act and which implements a national primary or secondary ambient air quality standard in a State or portion thereof.

§ 35.501-6 Interstate air quality control region.

A geographic area, designated under section 107 of the Clean Air Act, that includes areas in two or more states.

§ 35.501-7 Municipality.

A city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

§ 35.501-8 Nonrecurrent expenditures.

Expenditures which include:

(a) The amount by which the annual cost of the purchase of individual items of equipment, each costing over \$2,500, exceed the average of such purchases for the three preceding fiscal years. Nonrecurrent equipment purchases may be depreciated over the anticipated useful life of the equipment.

(b) Costs of projects supported under grants authorized by sections of the Clean Air Act other than section 105.

(c) Those expenditures which are identified as being acceptable as nonre-

current expenditures under generally accepted accounting principles. Such nonrecurrent expenditures must have the prior approval of the Regional Administrator.

§ 35.501-9 State.

A State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

§ 35.505 Allocation of funds.

(a) *Tentative allowances.* No later than March 1 of each year, the Administrator will issue to each Regional Administrator a tentative regional allowance for the next fiscal year. This tentative allowance (planning target) will be based on the amount of funds requested in the President's budget for this purpose for the next fiscal year.

(b) *Final allowances.* As soon as practicable after funds are made available, the Administrator will issue to each Regional Administrator a final regional allowance from funds appropriated for each fiscal year.

(c) *Determination.* Regional allowances shall be the sum of the amounts available to support control agencies which meet the requirements of § 35.526. Insofar as practicable, these amounts shall be based upon the following criteria or equivalent parameters:

(1) Impact of the air pollution control activities upon the applicable implementation plan and national priorities and objectives.

(2) Population served.

(3) Extent of the actual or potential air pollution problem.

(4) Financial need.

the relative weight of each factor and the specific national priorities will be determined annually by the Administrator. The final allowances will consider actual and expected outputs of control agencies and the applicable implementation plan resources and resource needs.

(d) *Allowance limitations.* The allotment for any one State may not exceed an amount equal to 10 percent of the funds appropriated for the purposes of section 105(a) of the Clean Air Act in any one fiscal year.

(e) *Reallotment.* By October 15 of each year, or as soon thereafter as practicable, the Administrator will issue to each Regional Administrator an allowance derived from reallotment of unobligated prior year funds.

§ 35.507 Federal assistance for agency programs.

§ 35.507-1 Limitations on assistance.

The amount of the Federal share of grant costs shall be determined by reference to the entitlement criteria set forth in section 105 of the Act.

§ 35.507-2 Limitations on duration.

The budget period for any grant awarded shall be for a period of 12 months or less and shall be coterminous with the agency's or Federal fiscal year.

§ 35.510 Grant allotment and amount.

§ 35.510-1 Tentative allotment.

The Regional Administrator shall promptly notify each control agency of its tentative allotment for the agency's next budget period. Such tentative allotment shall be made as soon as practicable.

§ 35.510-2 Grant amount.

In determining the amount of support for a control agency, the Regional Administrator will consider: (a) The functions, duties, and obligations assigned to the agency by an applicable implementation plan; (b) the feasibility of the program in view of the resources to be made available to achieve or maintain EPA priorities and goals; (c) the probable or estimated total cost of the program in relation to its expected accomplishments; (d) the extent of the actual or potential pollution problem; (e) the population served within the agency's jurisdiction; (f) the financial need and (g) the evaluation of the agency's performance.

§ 35.510-3 Reduction of grant amount.

(a) The grantee shall submit the proposed program required by § 35.526 no later than 60 days preceding the budget period for which the program application is prepared. If the agency does not meet this deadline, the grant amount may be reduced one-twelfth of the tentative allotment for each full month's delay. This money will be available for reallotment to air pollution control agencies within the region. Reductions will not be made for delays of less than a full month.

(b) If the Regional Administrator's annual performance evaluation reveals that the grantee will fail, or has failed, to achieve the expected outputs described in his approved program, the grant amount may be reduced by the approved estimated program cost to produce such outputs. This money will be available for reallotment to air pollution control agencies within the region.

(c) An agency shall be notified prior to any reduction in the amount of Federal support to that agency. This notification should include the reasons for reduction and if appropriate what steps the agency must take to regain funding.

§ 35.510-4 Limitations.

(a) The amount of a grant award to support an air pollution control agency program shall be subject to the grant limits set forth in § 35.507-1.

(b) Not more than 10 percent of the total of funds appropriated or allocated for the purposes of section 105(a) of the Clean Air Act in any one fiscal year shall be granted for air pollution control agencies in any one State. In the case of grants for an agency in an area crossing State boundaries, the Regional Administrator shall determine the portion of such grant that is chargeable to the 10 percent limitation for each State into which such area extends.

(c) Whenever a region's final allowance is not sufficient to meet the funding requirements of qualified air pollution control agencies, the Regional Administrator shall give priority to programs which meet applicable implementation plan commitments, national goals and priorities, and those requesting continuation support.

(d) Grants shall be awarded only from appropriations available at the time of award.

§ 35.515 Control program eligibility.

Any air pollution control agency that meets the criteria for award prescribed in § 35.520 shall be eligible for an air pollution control program assistance grant.

§ 35.520 Criteria for award.

(a) No grant may be awarded unless the program contained in the grant application meets the requirements of § 35.526 and has been approved by the Regional Administrator.

(b) No grant may be awarded until the Regional Administrator has consulted with the official designated by the Governor(s) of the State(s) affected by such award pursuant to section 105(b) of the Clean Air Act. Such consultation should consider the role of the applicant in the enforcement of any applicable implementation plan and confirm that the applicant's program will be generally compatible with the objectives of the applicable implementation plan.

(c) No grant may be awarded after any budget period when the estimated recurrent expenditures of non-Federal funds for the agency will be less than the recurrent expenditures of non-Federal funds were for such agency during the preceding budget period.

(d) No grant may be awarded unless the applicant provides assurance satisfactory to the Regional Administrator that such grant will be used to supplement and, to the extent practicable, increase the non-Federal funds that would in the absence of such grant be made available for such agency, and that Federal assistance will in no event supplant such non-Federal funds.

(e) No grant may be awarded to any air pollution control agency within an air quality control region, or portion thereof, for which there is an applicable implementation plan, unless the applicant has, or will be delegated, substantial responsibility for carrying out the plan.

(f) No grant may be awarded to any interstate or intermunicipal air pollution control agency unless the applicant provides assurance satisfactory to the Regional Administrator in the grant application that the agency provides for adequate representation of appropriate State, interstate, local and (when appropriate) international interests in the air quality control region, and further that the agency has the capability of developing and implementing a comprehensive air quality plan for the air quality control region.

(g) No grant may be awarded unless the Regional Administrator has determined that (1) the agency has the capability, or will develop the capability, to achieve the objectives and outputs described in its EPA-approved program, and (2) the agency has considered and incorporated as appropriate the recommendations of the latest EPA performance evaluation in its program.

(h) Where more than one air pollution control agency exists in a given State, no grant may be awarded to a control agency unless the Regional Administrator has determined that a written agreement has been developed between municipal or intermunicipal agencies and the State air pollution control agency detailing the procedures for implementing their responsibilities defined in the applicable implementation plan.

(i) No grant may be awarded unless the Regional Administrator has determined that the agency has adequate air pollution control authority and necessary regulations to implement such authority.

§ 35.526 Agency program preparation.

Each agency shall prepare, in consultation with the Regional Administrator, a program based on the applicable implementation plan and EPA annual guidance. The essence of a program is relating the utilization of available resources—both Federal and non-Federal monies—to the achievement of expected outputs. The program shall describe how each major program element is consistent with any applicable implementation plan and EPA's annual guidance. Information on each major program element shall be presented in summary form and shall include:

(a) The expected outputs to be obtained as discussed in § 35.527,

(b) The total resources to be expended to produce the expected outputs, including anticipated Federal financial and technical assistance; and

(c) An analysis of the efforts during the current budget period.

§ 35.527 Major program elements and outputs.

(a) The major program elements include activities which are necessary to the attainment of national objectives and priorities as described in the annual guidance. The major program elements should include, but not be limited to, the following items as they are outlined in Part 51, Appendix K of this chapter:

- (1) Enforcement.
- (2) Engineering.
- (3) Technical Services.
- (4) Administration.

(b) Outputs will be identified in the annual guidance for each major program element. Additional program elements and their associated outputs may be determined as deemed appropriate by the Regional Administrator. The outputs for each major program element may include but are not limited to the following:

(1) *Enforcement.* The enforcement outputs should reflect concern for en-

forcement of applicable implementation plan requirements and also the authorities delegated to a State agency including National Emission Standards for Hazardous Air Pollution Sources (NESHAPS) and New Source Performance Standards (NSPS). The outputs describing enforcement should indicate the agency strategy, including the number of inspections to be performed, number of point sources that will achieve compliance, number of point sources to be put on compliance schedules and for each category of area sources, the percentage not in compliance that are to be brought into compliance.

(2) *Engineering.* The engineering outputs of the agency should reflect the agency's need for data essential for the enforcement of regulations and for the measurement of progress in achieving and maintaining ambient air quality standards. The mechanism used by an agency to prevent construction, modification, or operation of any source, where emissions from the source will prevent the attainment or maintenance of a national standard or will result in degradation of air quality in violation of approved implementation plans, should be described as part of the agency's major program elements. Outputs should, to the extent possible, quantify this mechanism by identifying measurable units such as the number of permits to be issued. The outputs should indicate the extent of agency engineering efforts required in support of permit systems and/or enforcement operations and may include source testing and compliance data systems. The outputs to be developed by the agency should provide for a current comprehensive emission inventory of air pollutants being discharged. The work performed in this regard should develop emission information compatible with the National Emission Data Systems (NEDS) requirements.

(3) *Technical services.* Technical services' outputs should support data collection, reporting, planning, and enforcement activities of the agency. These outputs should reflect those reporting, operational and data gathering functions associated with the operation of air monitoring networks, laboratory facilities and data handling systems. Output schedules should indicate the number and types of air monitors, frequency of sampling, the agency's progress in meeting the minimum federal requirements outlined in Part 51 of this chapter. The output schedules should also reflect changes in the air monitoring network and additional equipment that may be required as a result of revisions or additions to the State implementation plan or through delegated authority. Laboratory outputs should indicate the number and type of samples analyzed, data expected from these samples, and equipment purchases. The data reported from these operations should be analyzed and reported in a manner consistent with the Storage and Retrieval of Aerometric Data (SAROAD) format and supportable of State reporting requirements as

outlined § 51.7 of this chapter, for quarterly and semi-annual reports.

(4) *Administrative services.* The administrative services should support and provide direction for planning and developing policy for the achievement of agency outputs. These support activities may involve revisions to applicable implementation plans (including indirect source controls and significant deterioration policy); assessment and evaluation of accomplishments relating to implementation plan achievement; and development and implementation of transportation and land use control programs relating to planning and air quality considerations; intergovernmental activities, and liaison with other agencies; and the modification of resource projections. The outputs should provide for training of the agency personnel. Where appropriate, contractual arrangements with other units of the State in implementing provisions of the Clean Air Act should be provided. Plans should be developed and included as required for the attainment of legal authority and acquisition of ordinances, rules and regulations to carry out the applicable implementation plans and revisions.

§ 35.528 Agency program submission.

Each agency shall submit to the Regional Administrator, generally no later than 90 days prior to the end of its budget period, a program pursuant to § 35.526 which satisfies the requirements of these regulations and the narrative requirements of Part IV of the grant application. A reduction in the grant amount may be made in accordance with § 35.510-3 for programs submitted late.

§ 35.529 Program approval.

(a) The program submission shall be approved only if the program satisfies all terms, conditions, and limitations set forth in these regulations.

(b) The Regional Administrator may award a grant based on conditional approval of a program which requires minor changes to qualify for approval. In the event conditional approval is granted, the Regional Administrator shall include in the grant agreement a statement of the conditions which must be met to secure final approval and the date by which such conditions shall be met.

§ 35.530 Grant conditions.

In addition to any other requirements herein, each air pollution control grant shall be subject to the following conditions:

(a) Direct cost expenditures for the purchase of real estate or construction of a fixed structure are unallowable, except that costs of monitoring stations may be allowed as direct costs.

(b) The sum of the non-Federal recurrent expenditures by the grantee in the budget period for which the grant is awarded shall be equal to or greater than the sum of grantee's recurrent expenditures during the fiscal year im-

mediately preceding the beginning of the current budget period.

(c) The grantee shall provide such information as the Regional Administrator may from time to time require to carry out his functions. Such information may contain, but is not limited to: Air quality data, emission inventory data, data describing progress toward compliance with regulations by specific sources, data on variances granted, quality assurance information related to data collection and analysis and similar regulatory actions, source reduction plans and procedures, real time air quality and control activities and other data related to air pollution emergency episodes, and similar regulatory actions.

(d) The Regional Administrator may refuse to award a grant or may terminate in whole or in part, a grant awarded under this subpart pursuant to § 30.903 of this chapter when a period of federally assumed enforcement defined in section 113(a) (2) of the Clean Air Act is in effect with respect to such agency.

(e) The Regional Administrator may terminate a grant awarded under this subpart pursuant to § 30.903 of this chapter where the Administrator has not approved, or has revoked approval, of the applicable implementation plan and any other specific authorities delegated to the agency.

§ 35.535 Assignment of personnel.

(a) The Administrator may detail personnel of the Environmental Protection Agency to an air pollution control agency pursuant to section 301(b) of the Clean Air Act.

(b) The Regional Administrator, with the concurrence of the grantee, may reduce grant payments by the amount of pay, allowances, travel, training, and other expenses related to the detail of any EPA officer or employee pursuant to section 105(d) of the Clean Air Act. The amount of the reduction shall be deemed to have been paid to the grantee in determining the amount of any grant.

§ 35.538 Agency evaluation and reports.

§ 35.538-1 Agency evaluation.

Agency evaluation is primarily a grantee responsibility and should be continuous throughout the budget period. It is EPA policy to limit EPA evaluation to that which is necessary for responsible management of regional and national efforts to control air pollution. The Regional Administrator shall conduct an agency performance evaluation annually in accordance with § 35.410. The evaluation shall include the review and assessment of the agency's effectiveness in meeting objectives and outputs, and in carrying out related activities, as set forth in the grantee's approved program. An exit interview will be conducted following an agency evaluation to inform the grantee of preliminary findings and recommendations.

§ 35.538-2 Reports.

No later than 150 days prior to the beginning of a new budget period, the

Regional Administrator shall prepare a summary of evaluation findings. The report prepared by the Regional Administrator should outline deficiencies in program performance through the time of the evaluation. When appropriate, the report shall contain recommendations for upgrading current agency operations as well as provide guidance for the development of the upcoming grant application. The grantee shall be allowed 15 working days from the date of receipt to concur with or comment on the findings.

[FR Doc.74-4485 Filed 2-27-74;8:45 am]

Title 41—Public Contracts and Property Management

AMENDMENT OF CHAPTER 5A AND CANCELLATION OF CHAPTER 5D

This change to the General Services Administration Procurement Regulations (GSPR) (1) incorporates into GSPR 5A the substance of Chapter 5D concerning distribution of transportation contracts and (2) cancels Chapter 5D.

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to add the following new entry:

Sec. 5A-76.203 Distribution of transportation and related services contracts.

§ 5A-76.203 Distribution of transportation and related services contracts.

NOTE: A copy of the exhibit identified in § 5A-76.203 is filed with the original document.

CHAPTER 5D—TRANSPORTATION AND COMMUNICATIONS SERVICE, GENERAL SERVICES ADMINISTRATION [DELETED]

Chapter 5D is deleted in its entirety.

(Sec. 203(c), 63 Stat. 390; (40 U.S.C. 486 (c)))

Effective date. These regulations are effective on the date shown below.

Dated: February 1, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74-4739 Filed 2-27-74;8:45 am]

Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Transition Provisions; Correction

Final regulations for Title III as amended by the Older Americans Comprehensive Services Amendments of 1973 (Pub. L. 93-29) were promulgated on October 11, 1973 and revised Part 903 (45 CFR Part 903, 38 FR 28040). Reference to § 903.0 promulgated under the

Interim Funding Regulations (45 CFR 903.0, 38 FR 17225, June 29, 1973) was inadvertently omitted. Revision of Part 903 was not intended to revoke § 903.0. This provision remains in full force in accordance with its terms and reads as follows:

§ 903.0: Transition provision.

(a) A State plan approved under this part shall remain in force and shall be subject to the provisions of this chapter until the approval of an amended State plan submitted after the publication of regulations implementing title III of the Act as amended by the Older Americans Comprehensive Services Amendments of 1973, but in no case may an existing State plan remain in force after May 3, 1974.

(b) Under a State plan remaining in force, States may continue Federal financial assistance for those activities permitted under such plan, except that with respect to the obligation of funds for area planning and social services activities, priority must be given to the establishment of new or the continuation of existing projects, which:

(1) Will contribute toward the achievement of the goals set forth in section 301 of the Act, as amended by Pub. L. 93-29;

(2) Will promote a smooth transition into the types of activities required under the new title III of the Act, under which 80 percent of the State allotment for this purpose must be utilized in keeping with plans developed for high priority planning and service areas; and

(3) Are designed to meet a service need that has been identified either by the State agency or as a result of local planning efforts conducted under title III of the Act.

(c) The Federal share of all costs under this authority must be in keeping with the matching provisions of title III of the Older Americans Act prior to its amendment by the Older Americans Comprehensive Services Amendments of 1973.

(Sec. 307, 87 Stat. 44 (42 U.S.C. 3021))

Dated: February 19, 1974.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved: February 19, 1974.

STANLEY B. THOMAS, JR.,
Assistant Secretary for
Human Development.

Approved: February 26, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education,
and Welfare.

[FR Doc. 74-4851 Filed 2-27-74; 8:45 am]

Title 46—Shipping

**CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION**

**SUBCHAPTER D—TANK VESSELS
[CGD 72-138]**

PART 34—FIREFIGHTING EQUIPMENT

Deck Foam System; Details

FEBRUARY 19, 1974.

The purpose of this amendment to the firefighting equipment regulations is to

require at least one outlet for a hose line and foam nozzle at each foam station in the cargo area of tank ships. Hand-held appliances provide flexibility to reach cargo areas shielded from the mounted appliances and to complete final stages of fire extinguishment. Current regulations allow hand-held appliances to be optional, although no tank vessel is being built without such appliances.

The amendment also clarifies the number of hand-held devices required to be carried. The former requirements could be construed to require one hand-held device for each hose outlet at each monitor station. This amendment requires carriage of a sufficient number of hand-held appliances to outfit hose outlets at the two foam stations having the most hose outlets.

These amendments are based on a notice of proposed rulemaking which was published in the March 1, 1972 issue of the FEDERAL REGISTER (37 FR 4292) and the Marine Safety Council Hearing Agenda, dated March 27, 1972. The proposal appeared as Item 5 in the notice of proposed rulemaking and the agenda.

Interested persons were given the opportunity to submit written comments and to make oral comments at the public hearing. No comments, written or oral, were received. Nonetheless, the proposed amendment contained an ambiguity in the requirements for the required number of hand-held appliances and the required number of outlets for such appliances. There was further ambiguity regarding stowage of hand-held appliances. This amendment has been modified to remove these ambiguities without changing the substantive provisions of the amendment. Accordingly, the Coast Guard adopted the proposal with only editorial changes.

In consideration of the foregoing, Part 34 of Title 46, Code of Federal Regulations, is amended as follows:

1. By revising § 34.20-15(c) to read as follows:

§ 34.20-15 Piping—T/ALL.

(c) The piping and outlet arrangement shall allow the required rate of applications as contained in § 34.20-5(b), to any portion of the open deck of the cargo area through the use of the mounted and hand-held appliances that are provided. At least 50 percent of the required rate of application shall be from the mounted appliances. One or more hose outlets for hand-held appliances shall be provided at each foam station. For enclosed spaces, application of at least 1.6 gallons per minute water rate for each 10 square feet of the enclosed area for 5 minutes is acceptable. For the purpose of this paragraph, all piping is assumed to be damaged in way of the fire and an adequate number of valves shall be fitted to prevent loss of foam by closing valves to damaged piping.

2. By amending § 34.20-20 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 34.20-20 Discharge outlets—T/ALL.

(b) At least one mounted foam appliance shall be provided for each station that is required in § 34.20-15(c).

(c) The number of hand-held appliances provided shall be at least equal to the number of hose outlets at the two foam stations having the most hose outlets. Hand-held appliances shall be stowed in a well marked, readily accessible position that cannot be isolated by a fire involving the cargo tanks.

(R.S. 4417a, as amended, sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 391a, 49 U.S.C. 1655(b)(1)); 49 CFR 1.43(b)).

Effective date. This amendment shall become effective on June 1, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

FEBRUARY 19, 1974.

[FR Doc. 74-4744 Filed 2-27-74; 8:45 am]

Title 47—Telecommunication

**CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION**

PART 73—RADIO BROADCAST SERVICES

**FM Broadcast Stations; Table of
Assignments**

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Station. (Marion, Ohio), Docket No. 19837, RM-2099.

1. The Commission has before it the notice of proposed rulemaking adopted October 3, 1973 (FCC 73-1029, 38 FR 28574) proposing the amendment of § 73.202(b) of the Rules, the FM Table of Assignments. The rulemaking was instituted on the basis of a petition filed by Scantland Broadcasting Company for a second FM assignment to Marion, Ohio. There were no oppositions to the proposal. Supporting comments were filed by petitioner.

2. Marion is a city of 38,646 population,¹ and the seat of Marion County, population 64,724. It is located 40 miles north of Columbus, Ohio. There are two broadcast stations in Marion: WMRN, a Class IV AM station and WMRN-FM, a Class B FM station operating on Channel 295.

3. Petitioner states that Marion and Marion County have shown continued growth over the years: 1970 populations represent an increase of 7.5 percent for Marion County and 4.2 percent for the city of Marion over the 1960 Census figures. It adds that Marion is a large industrial center producing a wide variety of manufactured goods, which in 1969 employed 10,546 persons (over one-third of Marion's work force). It points out that agriculture is the second leading source of income in Marion County, the total cash receipts from all forms of farming having reached \$16.2 million in 1970. Petitioner states that Marion currently has only one AM (Class IV) and one FM station (Channel 295), both under common

¹ All population figures cited are from the 1970 U.S. Census unless otherwise stated.

ownership, and notes that there are no other stations in the immediate vicinity surrounding Marion, the closest broadcast stations being located at Bucyrus, Ohio, 17 miles distant, and of that city's two stations, only the FM station is audible in Marion. It also points out that a second FM channel to a city the size of Marion is called for by the Commission's FM Assignment Policy. Petitioner contends that a competing voice will not only provide an additional forum for news, public affairs and sports, but will provide an additional local mode of entertainment. It expresses an intent to apply for a radio facility to operate on Channel 232A if it is assigned to Marion, Ohio, and to promptly build such a facility in the event it is issued a construction permit.

4. The preclusion study shows that the proposed assignment would foreclose future assignment only on Channel 232A in a very limited area west of Marion. Although there are several communities located in or near this preclusion area, the largest community with a population of 867 persons does not appear large enough to warrant an assignment. As to intermixture of a Class A with a Class B channel at Marion, petitioner states, in his supporting comments, that he would prefer to build and operate a Class B facility but was unable to find a channel which would meet all of the Commission's separation requirements.

5. Although the requested assignment would intermix a Class A with a Class B channel the petitioner has expressed his conviction that a new Class A FM station can exist and prosper in the Marion, Ohio market place. In some circumstances we are hesitant to intermix channels; in others we have done so. Under our assignment criteria, Marion has a population the size of which would warrant its being assigned a second FM channel. Further, since the preclusionary effect of the proposed assignment would occur on only one channel in a very limited area, it would result in the efficient use of FM frequencies. After consideration of the pertinent facts in this proceeding, we are of the view that the subject proposal has merit and that its adoption would serve the public interest.

6. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. Accordingly, *It is ordered*, That effective April 8, 1974, the Table of FM Assignments (§ 73.202(b)) is amended with respect to the city listed below as follows:

City	Channel No.
Marion, Ohio	232A, 295.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1059, 1082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: February 21, 1974.

Released: February 22, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-4751 Filed 2-27-74;8:45 am]

Title 49—Transportation
SUBTITLE A—OFFICE OF THE SECRETARY
OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-87]

PART 1—ORGANIZATION AND
DELEGATION OF POWERS AND DUTIES

Delegation of Authority

The purpose of this amendment is to delegate to the Federal Highway Administrator, the Federal Railroad Administrator, and the Assistant Secretary for Systems Development and Technology functions vested in the Secretary by the Noise Control Act of 1972 (October 27, 1972, Pub. L. 92-574, 86 Stat. 1234).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49 of the Code of Federal Regulations is amended as follows:

1. In § 1.48, there is added a new paragraph (p), to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

(p) Carry out the functions vested in the Secretary by subsections (b) (except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 18 of the Noise Control Act of 1972 (Pub. L. 92-574).

2. In § 1.49, there is added a new paragraph (p), to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

(p) Carry out the functions vested in the Secretary by subsection (b) (except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 17 of the Noise Control Act of 1972 (Pub. L. 92-574).

3. In § 1.57, there is added a new paragraph (j), to read as follows:

§ 1.57 Delegations to Assistant Secretary for Systems Development and Technology.

(j) Carry out the functions vested in the Secretary by section 17 (a) and (b)

¹ Chairman Burch absent.

(as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and section 18 (a) and (b) (as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) of the Noise Control Act of 1972 (Pub. L. 92-574).

Effective date. The effective date of this amendment is February 27, 1974.

(Sec. 9(e), Department of Transportation Act, (49 U.S.C. 1657(e))).

Issued in Washington, D.C., on February 21, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-4638 Filed 2-27-74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAF-
FIC SAFETY ADMINISTRATION, DEPART-
MENT OF TRANSPORTATION

PART 501—ORGANIZATION AND
DELEGATION OF POWERS AND DUTIES

Delegation of Authority to Regional
Administrators

The purpose of this notice is to amend § 501.8(h) of Chapter V of Title 49, Code of Federal Regulations, to delegate authority to Regional Administrators to approve or disapprove, under certain circumstances, revisions to previously approved State Highway Safety Program Comprehensive Plans. Comprehensive Plans are submitted every four years to the National Highway Traffic Safety Administrator to identify long range State Highway Safety Program requirements. Comprehensive Plans serve as resource material for the development of National Highway Safety Program goals and permit assessment of individual State efforts in attaining planned annual objectives.

Since this amendment relates to Departmental internal management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective February 28, 1974, § 501.8(h) of 49 CFR Ch. V, is amended by adding a new subparagraph (4) to read as follows:

§ 501.8 Regional Administrators.

(h) * * *

(4) Approve or disapprove proposed revisions of previously approved State Highway Safety Program Comprehensive Plans, except that proposed revisions to those portions of Comprehensive Plans that have been approved conditionally by the Administrator or the Deputy Administrator are reserved for the approval or disapproval of the Administrator or Deputy Administrator.

(Sec. 9, Pub. L. 89-670, 80 Stat. 944 (49 U.S.C. 1657); Delegation of Authority at 49 CFR 1.51)

Issued in Washington, D.C. on February 20, 1974.

JAMES B. GREGORY,
National Highway Traffic
Safety Administrator.

[FR Doc.74-4637 Filed 2-27-74; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[REV. S. O. No. 1156]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1974.

It appearing, that the Chicago, Rock Island and Pacific Railroad Company (RI) is unable to operate over its line between Herrington, Kansas, and Salina, Kansas, because of track damage; that RI operations to and from Salina can be accomplished by use of the Missouri Pacific Railroad Company (MP) between Herrington and Salina, a distance of approximately 36 miles, thence over approximately 3,145 feet of connecting trackage of the Union Pacific Railroad Company (UP) at Salina; that the MP and the UP have consented to use of such tracks by the RI; that operation by the RI over the aforementioned tracks of the MP and UP are necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1156 Revised Service Order No. 1156.

Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company *and over tracks of Union Pacific Railroad Company.

(a) The Chicago, Rock Island and Pacific Railroad Company (RI) be, and it is hereby, authorized to operate over tracks of the Missouri Pacific Railroad Company (MP) between Herrington, Kansas, and Salina, Kansas, a distance of approximately 36 miles.

(b) The RI be, and it is hereby authorized to operate over tracks of Union Pacific Railroad Company (UP) between the UP-MP interchange at Salina, and the UP-RI interchange at Salina, a distance of approximately 3,145 feet.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Rates applicable.* Inasmuch as this operation by the RI over tracks of the MP and the UP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the MP and the UP shall be

the rates which were applicable on the shipments at the time of shipment as originally routed.

(e) *Effective date.* This order shall become effective at 12:01 a.m., February 22, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(c), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17 (2)). Interprets or applies secs. 1(10-17), 15 (4), and 17(2), 50 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of the Railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4780 Filed 2-27-74; 8:45 am]

[3d REV. S.O. No. 1124]

PART. 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 19th day of February 1974.

It appearing, That an acute shortage of freight cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of freight cars to shippers located on their lines, that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by these shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1124 Service Order No. 1124; demurrage and free time on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Applications.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1119 through 1121 under the heading: "General Service Freight Cars." (See subdivisions (iii), (iv), (v), (vi), (vii), (viii), and (ix) of this subparagraph.

(iii) *Exception.* This order shall not apply to cars with mechanical designations FA, FL, NE, SC, SM, or ST.

(iv) *Exception.* This order shall not apply to cars held at or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) *Exception.* This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas
Laredo, Texas
Eagle Pass, Texas
Presidio, Texas
El Paso, Texas
Douglas, Arizona
Naco, Arizona
Nogales, Arizona
Calxico, California

(vi) *Exception.* This order shall not apply to cars subject to Freight Tariff 8-0, I.C.C. H-30, issued by B. B. Maurer, supplements thereto, or reissues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vii) *Exception.* This order shall not apply to cars made exempt from demurrage by the provisions of Section B, Rule 1, Item 900, of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(viii) *Exception.* The provisions of Rule 8, Item 935 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(ix) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption

is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply to cars subject to this order.

(xi) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof.

(2) *Free Time.* (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.* (i) After the expiration of the free-time period described in Part (2) of this order, or without free-time allowance when one is provided, demurrage charges shall be assessed at the following rates, until car is released:

\$10.00 per car per day, or fraction of a day, for each of the first two days.
\$20.00 per car per day, or fraction of a day, for each of the next two days.
\$30.00 per car per day, or fraction of a day, for each of the next two days.
\$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, Section B of General Car Demurrage Tariff 4-J, I.C.C. H-59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars subject to average demurrage basis.* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of \$20.00 per car per day, or fraction of a day, will be made for each of

the next two days, or fraction of a day, and \$30.00 per car, per day, or fraction of a day, for each of the next two days, and \$50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "set-back service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and \$10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per

bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in subparagraph (2) of this paragraph.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or transshipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.*

(i) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(ii) If a notice described in paragraph (i) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(iii) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(iv) Failure of a carrier to send and preserve copies of the notices required by subdivision (i) of this subparagraph shall not be deemed as nullifying the requirements of Sections (2) or (3) of this order.

(d) *Effective date.* This order shall become effective at 7:00 a.m., March 1, 1974.

(e) *Expiration date.* This order shall expire at 6:59 a.m., July 1, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 323, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interpret or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 64 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car serv-

ice and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Officer of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4772 Filed 2-27-74;8:45 am]

[Ex Parte No. 55, Sub-No. 8]

**PART 1065—GATEWAYS AND TACKING—
IRREGULAR ROUTE MOTOR COMMON
CARRIERS OF PROPERTY**

**Petition for Elimination of Gateways by
Rulemaking**

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of February 1974.

It appearing, that by joint petition filed March 21, 1973, 42 motor common carriers requested this Commission to institute a rulemaking proceeding to investigate the possibility of promulgating regulations which would permit all motor carriers to operate directly between any two points they are authorized to serve without the necessity of observing any of their presently required gateways; and that on November 23, 1973, this Commission issued a notice of proposed rulemaking and Order, 119 M.C.C. 170 (dated November 15, 1973), in this proceeding which set forth certain provisional findings on the matters involved and which invited comments on those tentative findings;

And it further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new part 1065 reading as set forth in appendix B to the said report.

It is further ordered, That this order shall become effective on April 5, 1974, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. (49 U.S.C. 301, 302, 304, and 308, 5 U.S.C. 553 and 559)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

§ 1065 Gateways and tacking—irregular-route motor common carriers of property.

(a) Where a common carrier by motor vehicle authorized to transport property in interstate or foreign commerce holds separate and unrestricted irregular-route certificated authorities issued by the Interstate Commerce Commission, which authorities have a common point of service (a "gateway") to which a given shipment may be transported under one authority and from which the same shipment may be transported under the other, the carrier is required, upon reasonable request therefor, to furnish through service on the shipment under a combination of the authorities and may do so without transporting the shipment through the common service point or points; *provided*: (1) That the certificated authorities so utilized were issued to the carrier pursuant to an application proceeding pending before the Interstate Commerce Commission on or before November 23, 1973, (2) that none of the authorities is restricted against such joining; (3) that the most direct highway distance between the points¹ to be served is not less than 80 percent of the highway distance between such points over the carrier's authorized routing through the gateway, (4) that a lawful and appropriate tariff covering the movement via the gateway was on file with the Interstate Commerce Commission on November 23, 1973, or that the carrier had pending an application on the aforementioned date which was subsequently granted, and (5) the carrier follows the procedures prescribed in paragraph (d) (1) of this section.

(b) Except where expressly allowed under paragraph (a) of this section, or on movements of 300 miles or less, or where its certificated authorities specifically authorize such tacking or joinder, a common carrier by motor vehicle authorized to transport property, in interstate or foreign commerce, is prohibited from joining any of its irregular routes certificated authorities on and after the effective date of this regulation. Any common carrier by motor vehicle providing such prohibited service on or before the date this regulation takes effect shall cease such operations on or before the 60th day following the said effective date, unless it files an application for direct-service operating authority pursuant to section 206 of the Interstate Commerce Act on or before the 60th day following the effective date. Such an application may have the support of the shipper or shippers currently served by the carrier ap-

¹ In those cases where a carrier may serve a municipality or unincorporated community pursuant to this rule without the necessity of observing a gateway specified in its certificated authorities, the carrier shall serve all points within its terminal area at such municipality or unincorporated community in accordance with 49 CFR 1049.

plicant, shall be filed and processed in accordance with the procedures prescribed in paragraph (d) (2) of this section, and shall be determined in accordance with the requirements of section 207 of the Interstate Commerce Act giving full effect to the applicant's past service and operations through the gateway. Any such carrier filing such an application in good faith may continue to provide such service by observing its gateways or gateway until final disposition of its application proceeding.

(c) The mileages utilized in determining whether the most direct highway distance between the points to be served is not less than 80 percent of the highway distance between such points over the carrier's authorized routing through the gateway, shall be calculated from the point of origin (i.e., the point on the carrier's authorized route where the shipment begins its journey) to the point of destination (i.e., the point on the same carrier's authorized route where the shipment ends its journey) of the shipment or shipments involved.

(d) (1) A carrier seeking to eliminate gateways pursuant to paragraph (a) of this section shall be required to adhere to the following procedures:

(i) File a letter and two copies thereof with this Commission at its offices in Washington, D.C., and one copy with this Commission's field office having jurisdiction over the point at which the carrier is domiciled, describing the gateways to be eliminated (this should include origin, destination, and gateway, applicable mileages, and a suitable map), and attaching either (A) copies of appropriate tariff provisions establishing that such through services were offered by the carrier on November 23, 1973, or (B) a verified statement establishing that the certificated authority enabling operations through the gateway were issued to the carrier pursuant to an application proceeding pending before the Interstate Commerce Commission on November 23, 1973.

(ii) Allow 15 days from the date of publication in the FEDERAL REGISTER of a notice of the carrier's intention to eliminate its gateways and for Commission review of the letter submission. Protests to such notices must be received at the Commission at Washington, D.C., within 10 days of the date of that publication. If the carrier is not otherwise informed by this Commission, operations may commence at the termination of the said 15-day period. This Commission reserves the right to require that a carrier terminate these operations if it should later be discovered that the carrier's operations do not qualify for the benefits of this rule.

(iii) Letter submissions under this rule will not be accepted after May 15, 1974, except in those cases in which the certificated authority to be joined was issued pursuant to an application proceeding pending before the Interstate Commerce Commission on November 23, 1973. In

such instances, the carrier shall make such filing within 60 days from the date of issuance of the authority in issue.

(2) A carrier that maintains gateway operations which do not meet the criteria set forth in paragraph (a) of this section may, if it desires to continue to provide such through service to the public, file OPOR-9 applications with this Commission seeking direct-service authority. Such an application shall include:

(i) In bold print in the upper right-hand corner of page 1, the words **GATEWAY ELIMINATION**.

(ii) (A) A carrier relying on certificated authorities issued to it on or prior to November 23, 1973, shall submit copies of appropriate tariff provisions establishing that such through services were offered by the carrier on November 23, 1973.

(B) A carrier relying on certificated authorities issued to it after November 23, 1973, as a result of an application pending on that date shall present verified statements establishing either (1) that the service through the gateway point has been performed (as in the case of the carrier's demonstrated participation in deteriorating interline or interchange service) on November 23, 1973, or (2) that a public need for such through service exists.

(iii) An initial verified statement in support of the application. This should include all of the evidence applicant plans to present in the proceeding, including (to the extent pertinent) evidence of the applicant's (or its established predecessor-in-interest's) past operations via the gateway for the 2 years preceding November 23, 1973, and the relevant matters and evidence set forth in subdivision (ii) of this subparagraph. Evidence of supporting shippers need not be presented except as set forth in subdivision (ii) (B) of this subparagraph but will be considered and accorded appropriate weight if submitted.

(iv) Such applications must be filed on or before the 60th day following the effective date of these regulations, or within 60 days following the date of issuance of the certificated authorities so to be joined if such authorities are issued to the carrier pursuant to an application proceeding pending before the Interstate Commerce Commission on November 23, 1973, whichever date last occurs. The application will be processed in accordance with the normal procedures of the Interstate Commerce Commission as modified in the Federal Register publication of a notice of the filing of such applications (which shall reflect the procedure outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530).

(e) Any motor carrier which has pending on the effective date of these regulations an application for the elimination of a gateway and which desires to utilize the rules set forth above, should notify the Director of the Office of Proceedings of the Interstate Commerce Commission of the pendency of such application and should include the pertinent docket number. Duplicate applications should not be filed.

[FR Doc. 74-4779 Filed 2-27-74; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORTS FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 18—MARINE MAMMALS

Correction

In FR Doc. 74-4069 appearing at page 7261 as the Part II of the issue of Monday, February 25, 1974, in the second column on page 7262, the effective date now reading "February 15, 1974", should read "February 25, 1974".

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minnesota

The following special regulations are issued and are effective on February 25, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minnesota, is permitted from January 1, 1974, through December 31, 1974, and shall be in accordance with all applicable State fishing laws and refuge regulations. Areas open for fishing comprise 13,675 acres and are designated on a map available at the refuge headquartered and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Refuge waters open to fishing include Wauboose, Two Island, Lost and Upper Egg Lakes plus all lakes south of the "Governor's Consent Line". Fishing in the Ottertail River at the bridge on County road 26 is limited, as posted by signs, to 50 yards upstream and 100 yards downstream from the bridge.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Part 33, and are effective through December 31, 1974.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minnesota 56578.

FEBRUARY 21, 1974.

[FR Doc. 74-4703 Filed 2-27-74; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Non-Product Cost Pass Through in Gasoline Prices

In January of this year, the Federal Energy Office announced its intention to

grant relief to retail gasoline dealers whose margins were declining due to reduced supplies of gasoline. Consistent with this policy, on February 19, 1974, FEO amended its regulations to allow, beginning in March, a one cent per gallon increase in the price of gasoline sold at retail for retailers and refiners receiving less than 85% of their 1972 base-period volumes.

Since this amendment, the FEO has received numerous comments from retail gasoline dealers that the one cent price increase did not provide the necessary level of relief. The limitation of the increase to those retailers receiving less than 85 percent of their 1972 base-period volume was also alleged to unjustly discriminate against many other dealers operating under severe financial constraints which could not take advantage of the increase.

Following consultation with its Retail Dealers Group, FEO has reconsidered its initial action and determined that further relief is warranted. Therefore, FEO is now superseding its previous February 19, 1974, regulation change with a new amendment. This amendment permits retail gasoline dealers and refiners to increase their prices of gasoline sold at retail by two cents per gallon to reflect non-product cost increases per gallon of gasoline.

To implement this change, § 212.93(b) (1) is amended to allow retailers and reseller-retailers of gasoline, beginning with March 1974, to charge two cents per gallon of gasoline in excess of the price otherwise allowable to reflect increased non-product costs. This price increase may be placed in effect by retail dealers on March 1, 1974. Price increases to reflect increased product costs to the dealers still may be placed into effect only once during a month, but do not need to be implemented on the same date that the two cents per gallon increase is placed into effect.

Section 212.82(b) (2) has also been changed to permit a refiner which retails gasoline to include in the definition of "allowable costs" increased non-product costs per gallon of gasoline which are attributable to the retail marketing of gasoline, but only to the extent that those costs allow an increase in the price of gasoline above base prices by an amount not in excess of two cents per gallon. A price increase justified by the amended § 212.82(b) (2) still may only be implemented after it has been prenotified in accordance with the provisions of Subpart I of Part 212.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345;

Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 26, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 212.82 is amended by revising paragraph (b) (2) to read as follows:

§ 212.82 Price rule.

* * * * *

(b) Price Increases. * * *

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs shall be compared with current costs. Current costs which exceed base costs may be used to justify a price in excess of the base price. "Allowable costs" under this section mean non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and exclude any costs attributable to marketing operations except as follows:

(i) Non-product costs attributable to the marketing of special products may be included as allowable costs to the extent that those costs allow an increase in the prices of special products above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section by an amount not in excess of one cent per gallon with respect to retail sales and one half cent per gallon with respect to all other sales; and

(ii) Non-product costs per gallon of gasoline attributable to the retail marketing of gasoline may also be included as allowable costs to the extent that those costs per gallon of gasoline allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to the provisions of this section, including paragraph (b) (2) (i) of this section by an amount not in excess of two cents per gallon with respect to retail sales.

2. Section 212.93 is amended by revising (b) (1) to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(1) With respect to special products:

(i) In retail sales, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, and, with respect to all other sales a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973.

(ii) Beginning with March 1974, in retail sales of gasoline, a seller may charge two cents per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b) (1) (i) of this section, to reflect non-product cost increases per gallon of gasoline.

(iii) A seller may adjust its selling price for an item at any time to an amount that is equal to or less than the selling price permitted under this Subpart, except that a price increase to reflect a change in the amount of increased costs may not be made more than once in any calendar month, but may be made on any day during that month.

[FR Doc.74-4846 Filed 2-26-74; 2:39 pm]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL
PART 150—COST OF LIVING COUNCIL
PHASE IV PRICE REGULATIONS

PART 152—COST OF LIVING COUNCIL
PHASE IV PAY REGULATIONS

Exemption of Valves and Mining and Oil
Field Machinery

The purpose of these amendments is to exempt from Phase IV Price Regulations the sale of valves by manufacturers of valves and the sale of mining and oil field machinery by the manufacturers of mining and oil field machinery, and to add parallel exemptions under the Phase IV pay regulations.

In accordance with the Council's objective of removing controls selectively, where conditions permit, the Council has decided to exempt the prices charged for valves and mining and oil field machinery by manufacturers of those products.

There are two primary reasons for the Council's exempting the valve industry from the Phase IV price regulations. First, the industry is diverse, having more than 500 firms in the industry, the four largest of which represent only about 14 percent of the industry's sales. Therefore competitive forces should tend to moderate future price increases. Second, many companies in the industry have operated at low margins of profit in the past. Consequently, these firms are now hampered in generating the capital necessary for expansion by low base period profit margins. Thus, because demand has increased relative to capacity, shortages have developed in these materials which have, in turn, limited capital expansion in other sectors of the U.S. economy. For example, in 1971 the normal backlogs were in the range of 30 days for standard stock and 60-120 days for custom product items. Current backlogs have risen to 14-16 months and backlogs for valves used in nuclear power plants have risen to 20-24 months. The exemption of the industry from the price control regulations is expected to allow firms in this industry to obtain the capital needed for expansion.

In developing the list of items, sales of which are exempt under this amendment, the Council relied on the SIC Man-

ual code system. Only the sale by the manufacturer of those valves listed in the Standard Industrial Code Manual, 1972 edition, under Industry Number 3494 is exempt. Other items which may be generically similar but are not listed in Industry Number 3494 do not come within the scope of this exemption. Furthermore, pipe fittings and other items which are not valves, but which are listed under Industry Number 3494, are not exempt.

There are two major reasons for the Council's action exempting mining machinery and oil field machinery. First, the worldwide demand for mining and oil field machinery has been and is expected to continue increasing rapidly. Therefore, continued price controls may create a greater diversion of these products to foreign markets. In the past year exports have absorbed some 21 percent of mining machinery shipments and nearly 35 percent of oil field machinery shipments. Second, the recent price performance of mining and oil field machinery has been moderate with price increases for both mining and oil field equipment lower than the average for all industrial commodities.

In developing the list of items, sales of which are exempt under these amendments, the Council relied on the SIC Manual code system. Only the sale by the manufacturer of the specific items listed in industrial codes 3532 and 3533 and in the amendment to § 150.54 is exempt. Other items which may be generically similar but are not listed do not come within the scope of these amendments.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derives both less than \$50 million in annual sales or revenues from the sale or lease of non-exempt items and 90 percent or more of its sales and revenues from the sale of exempt sales.

As a complementary action to the exemptions from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the mining machinery, oil field machinery, or valve manufacturing industry. The exemptions are set forth in new §§ 152.40j and 152.40n. The exemptions are inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemptions are also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the mining machinery, oil field machinery, or valve manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the particular exemption. The exemptions are further inapplicable to employees who are part of an appropriate

employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the mining machinery, oil field machinery, or valve manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6 to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective February 26, 1974.

Issued in Washington, D.C. on February 26, 1974.

JAMES W. McLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended by adding two new paragraphs (kk) and (ll) to read as follows:

§ 150.54 Certain price adjustments.

(kk) *Valves.* Prices charged by manufacturers of valves for valves described in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3494 are exempt. However, pipe fittings and other items which are not valves but are described under Industry Number 3494 are not exempt.

(ll) *Mining machinery and oil field machinery.* Prices charged by manufacturers of mining machinery and oil field machinery for those products listed in the Standard Industrial Classification Manual, 1972 edition, under Industry Nos. 3532 and 3533 are exempt.

In 6 CFR Part 152, Subpart D is amended by adding thereto a new

§ 152.40j and a new § 152.40n to read as follows:

§ 152.40j Valve Manufacturing Industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the valve manufacturing industry.* For purposes of this section, "Establishment in the valve manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3494 (Valves and Pipe Fittings, Except Plumbers' Brass Goods) and primarily engaged in the manufacture of valves described under such Industry Number.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation only if such employee is employed at an establishment in the valve manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the valve manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the valve manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the valve manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 26, 1974.

§ 152.40n Mining Machinery and Oil Field Machinery Manufacturing Industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular

and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the mining machinery or oil field machinery manufacturing industry.* For purposes of this section, "Establishment in the mining machinery or oil field machinery manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 3532 (Mining Machinery and Equipment, Except Oil Field Machinery and Equipment), or 3533 (Oil Field Machinery and Equipment) and primarily engaged in the manufacture of any product described under such Industry Numbers.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation only if such employee is employed at an establishment in the mining machinery or oil field machinery manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 152.125, or § 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the mining machinery or oil field machinery manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the mining machinery or oil field machinery manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the mining machinery or oil field machinery manufacturing industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after February 26, 1974.

[FR Doc.74-4877 Filed 2-27-74;8:54 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 14, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Size Requirements for Imports of Seeded Grapefruit

This amendment lowers the minimum diameter restrictions applicable to imported seeded grapefruit to $3\frac{1}{16}$ inches on February 25, 1974. The restrictions are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation imposes the same size requirements on imported seeded

grapefruit as are effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.110 (Grapefruit Regulation 14; 38 FR 26108, 28286) the provisions of paragraphs (a) (1) and (j) are amended to read as follows:

§ 944.110 Grapefruit Regulation 14.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3-12/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

* * * * *

(j) The terms used herein relating to grade, diameter, and standard box shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51.750-51.784). Importation means release from custody of the United States Bureau of Customs.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the

public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) this amendment imposes the same restrictions on imports of seeded grapefruit as are applicable under amended Grapefruit Regulation 74 (§ 905.551) to the shipment of seeded grapefruit grown in Florida; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, February 22, 1974, to become effective February 25, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 74-4734 Filed 2-27-74; 8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 133; 141]

TRADEMARKS, TRADE NAMES, AND COPYRIGHTS, ENTRY OF MERCHANDISE

Proposal Requiring Certain Information on Invoices Accompanying Shipments of Books

Notice is hereby given that under the authority of 17 U.S.C. 109, R.S. 251, as amended (19 U.S.C. 66), and sections 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 1481, 1484, 1624), it is proposed to amend § 141.89 of the Customs Regulations to require that the invoice accompanying a shipment of books set forth certain identifying information, including copyright information required in order to determine the admissibility of the books under the Universal Copyright Convention. The Customs regulations do not presently require this information to be shown on the invoice and, as a consequence, Customs officers must often detain shipments of books until the necessary information is furnished by the importer. The proposed amendment provides, among other requirements, that the importer must state on the invoice whether or not the book contains a copyright notice; if so, the form of the copyright notice printed in the book must be set forth.

It is also proposed to amend § 133.45 (c) (2) of the Customs regulations, which sets forth the information to be required by the district director prior to releasing books under the Universal Copyright Convention, to require that information to be furnished by the importer on the invoice, in accordance with the proposed invoice requirements for books under § 141.89 of the Customs regulations.

Accordingly, it is proposed to amend the Customs Regulations as follows:

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

It is proposed to amend paragraph (c) (2) of § 133.45 to read as follows:

§ 133.45 United States manufacturing requirements for books and periodicals.

(c) Release under Universal Copyright Convention. * * *

(2) Information required. Prior to releasing the books, the district director shall require the invoice furnished by the importer to set forth the following information, as specified in § 141.89 of this chapter:

(i) The country in which the book was first published;

(ii) The country of which the author was a citizen at the time of first publication; and

(iii) Whether the author was domiciled in the United States at the time of first publication.

PART 141—ENTRY OF MERCHANDISE

It is also proposed to amend § 141.89 by adding to the list of classes of merchandise, in proper alphabetical order, the following:

§ 141.89 Additional information for certain classes of merchandise. Invoices for the following classes of merchandise shall set forth the additional information specified:

Books (T.D. 74-4444)—(1) The name of shipper (or seller) and the importer; (2) The title and quantity of each title imported; (3) The unit price for each book; and (4) The form of the copyright notice printed in the book (if none, state "No copyright notice"). If the book bears a copyright notice, the following information is also required: (5) The country in which the book was first published; (6) The citizenship of the author on the date of first publication; and (7) Whether the author was domiciled in the United States on the date of first publication.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before April 1, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 15, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of
the Treasury.

[FR Doc. 74-4714 Filed 2-27-74; 8:45 am]

[19 CFR Part 4]

VESSELS IN FOREIGN AND DOMESTIC TRADES

Proposed Documents To Be Filed Upon Entry and Clearance

Notice is hereby given that under the authority of R.S. 251, as amended (10

U.S.C. 66), and sections 431, 624, 46 Stat. 710, as amended, 759 (19 U.S.C. 1431, 1624), it is proposed to amend §§ 4.7, 4.75, 4.81, and 4.85 of the Customs regulations pertaining to the inward foreign manifest, the outward foreign manifest, and the General Declaration.

Section 4.7(a) of the Customs regulations lists the documents required to comprise a manifest, as required by section 431, Tariff Act of 1930, as amended (19 U.S.C. 1431). The regulations provide that any document which is not required may be omitted from the manifest provided the word "None" is inserted in items 17-22 of the General Declaration, as appropriate. Vessels arriving in ballast may omit the filing of an inward foreign manifest, Customs Forms 7527-A or 7527-B. It is proposed to amend § 4.7(a) of the Customs Regulations to specify an additional notation to be placed on the General Declaration when Customs Forms 7527-A and 7527-B are omitted.

Section 4.75(a) of the Customs regulations provides that if a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete outward foreign manifest or all required shippers' export declarations, the district director may accept in lieu thereof an incomplete manifest on Customs Form 1374 (Outward Foreign Manifest). In an effort to facilitate the entry and clearance of vessels, it is proposed to amend § 4.75(a) to provide for the filing of the incomplete manifest on the General Declaration, Customs Form 1301, rather than on Customs Form 1374. It is also proposed to amend § 4.75(b) to provide for the filing of a General Declaration with the complete manifest on Customs Form 1374.

Section 4.81(e) of the Customs regulations provides that before foreign vessels depart in ballast from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration. The proposed amendment to § 4.81(e) clarifies that in such situations Customs Forms 7527-A or 7527-B are omitted and specifies how the General Declaration is to be marked to note that omission.

Section 4.85(c) of the Customs regulations makes provision for a legend to be placed on the General Declaration when no inward foreign cargo or passengers are to be discharged and the inward foreign manifest (Customs Forms 7527-A or 7527-B) may be omitted. The proposed amendment to § 4.85(c) indicates where on the General Declaration the legend shall be placed.

Accordingly, it is proposed to amend the Customs Regulations to read as follows:

Paragraph (a) of § 4.7 is amended by adding the following sentence:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

(a) * * * If a vessel arrives in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the legend "Vessel in ballast—no merchandise on board" must be inserted in block 13 of the General Declaration.

Paragraphs (a) and (b) of § 4.75 are amended to read as follows:

§ 4.75 Incomplete cargo declaration; incomplete export declarations; bond.

(a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete outward foreign manifest¹⁰⁰ or all required shippers' export declarations,¹⁰⁷ the district director may accept in lieu thereof an incomplete manifest on Customs Form 1301, General Declaration, if there is on file in his office a bond on Customs Form 7567 or 7569 executed by the vessel owner (or other person as attorney in fact of the vessel owner. The legend, "This incomplete manifest is filed in accordance with § 4.75, Customs regulations," must be inserted in block 16 of the General Declaration. The oath on clearance on Customs Form 1300 (see § 4.63(e)) shall be required to be executed.

(b) Not later than the fourth business day after clearance¹⁰⁸ from each port in the vessel's itinerary, the master, or the vessel's agent on behalf of the master, shall deliver to the district director at each port a complete manifest (Customs Form 1374) of the cargo laden at such port together with duplicate copies of all required shippers' export declarations for such cargo and a General Declaration on Customs Form 1301. The oath of the master or agent on Customs Form 1300 (see § 4.63(e)) shall be properly executed before acceptance.

Footnote 106 to § 4.75 is amended to read as follows:

¹⁰⁰ See 46 U.S.C. 91.

The first two sentences of paragraph (e) of § 4.81 are amended to read as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

(e) Before any foreign vessel shall depart in ballast, or solely with articles to be transported in accordance with § 4.93, from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration, Customs Form 1301, in duplicate. If a vessel is proceeding in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the word "None" must be inserted in block 17 of the General Declaration and the words "Vessel in ballast—no merchandise on board"

must be inserted in block 13 of the General Declaration. However, articles to be transported in accordance with § 4.93 shall be manifested on an inward foreign manifest, Customs Form 7527-B, as required by § 4.93(c). * * *

The fourth sentence of paragraph (c) of § 4.85 is amended to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

(c) * * * If no inward foreign cargo or passengers are to be discharged, the manifest or Passenger List may be omitted from the abstract manifest, and the following legend shall be placed in block 12 of the General Declaration: * * *

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before April 1, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: February 15, 1974.

[SEAL]

VERNON D. ACREE,
Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-4717 Filed 2-27-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Parts 1301, 1311]

MANUFACTURE AND IMPORT OF CONTROLLED SUBSTANCES

Proposed Application Procedures; Withdrawal

On July 6, 1973, the Drug Enforcement Administration published a notice of proposed rulemaking in the FEDERAL REGISTER (38 FR 18032) to modify the application procedures for registration as a bulk manufacturer (21 CFR 1301.43) and importer of Schedule I and II substances (21 CFR 1311.42).

As proposed, 21 CFR 1301.43 and 21 CFR 1311.42 would have required only that the Drug Enforcement Administration publish notices of applications for registration or reregistration for the bulk manufacture or import of basic classes of controlled substances listed in Schedule I or II. The Drug Enforcement Administration no longer would have been required to mail copies of the notices of application or notices of hearing to each person who is registered or has applied for registration to manufacture in bulk or import a basic class.

In response to the notice, the Drug Enforcement Administration received objections from Merck and Co., Inc., Rahway, New Jersey and Mallinckrodt Chemical Works, St. Louis, Missouri. The objections have been determined to be a valid representation of bulk manufacturers, who desire that each registrant and applicant for registration to manufacture in bulk or import a basic class controlled substance be afforded maximum notice of a proposed application. Therefore, the Drug Enforcement Administration is hereby withdrawing its proposed amendments to 21 CFR Parts 1301 and 1311.

Dated: February 20, 1974.

ANDREW C. TARTAGLINO,
*Acting Deputy Administrator,
Drug Enforcement Administration.*

[FR Doc.74-4764 Filed 2-27-74;8:45 am]

[21 CFR Part 1305]

ANONYMOUS TESTING BY LABORATORIES

Proposed Modification of Order Form Requirements

Section 308 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 828) establishes a system of order forms for controlled substances in Schedules I and II and provides that the Attorney General shall prescribe regulations pursuant to the section. The regulations in Title 21 of the Code of Federal Regulations, Part 1305, implement the order form system and in § 1305.03 provide various exceptions to the order form requirements.

Many registered analytical laboratories in the United States are accepting small quantities of controlled substances from anonymous sources for the purpose of analyzing the drug sample. A survey of various laboratories engaged in such anonymous testing of "street samples" revealed that the practices and security of the programs varied widely. Therefore, standardized guidelines have been prepared, and it is proposed that a specific exception to the existing order form requirements be promulgated based on a written waiver issued by the Regional Director in the Region in which the laboratory involved is located. The waiver would be granted upon the agreement of the laboratory to conduct its activities in accordance with guidelines established by the Administration.

It is proposed that the following guidelines would be utilized to provide reasonable controls over activities of the laboratories that are accepting controlled substances from anonymous sources for purposes of analysis:

GUIDELINES FOR ANALYTICAL LABORATORIES DESIRING TO CONDUCT ANALYSIS OF ANONYMOUS SAMPLES

DEA Policy. Currently there are a number of advocates of these laboratories among law enforcement, the pharmaceutical industry, medical authorities, the rehabilitation and treatment community, and the general public. Correspondingly, there are a number of adversaries. DEA will allow the operation

of these laboratories under the guidelines set forth below until such time that it can be determined whether the purported benefits outweigh the adverse effects or vice versa. These guidelines establish a uniform policy regarding the operation and registration of these laboratories.

(A) *Registration.* Each physical location at which drugs are collected or analyzed must be registered. As an analytical laboratory, Federal registration must be for all five schedules and the firm must be approved by the State to conduct such activities (see also section I).

(B) *Method of submission.* Delivery of samples to lock boxes at locations which are not registered, or specifically exempted, will not be permitted. Possession of controlled substances by non-registrants will be subject to all legal provisions of CSA.

(C) *Type of analysis done.* Quantitative analysis may be conducted. However, to prevent the possibility of dealers utilizing these laboratories as a quality control, only qualitative results may be given to the donor. Analysis should be sufficient to determine if dangerous adulterants are in the sample or if the strength is so great that use would be harmful to the user. In these cases, the submitter can only be told what the drug was and that use would be dangerous.

(D) *Recordkeeping.* Each person registered as an analytical laboratory and engaged in the receipt and analysis of anonymous samples shall maintain records containing the following information (to the extent known and reasonably ascertainable by him):

- (1) Laboratory identification number.
- (2) Date sample received.
- (3) Purported contents and actual identification.
- (4) Quantity received.
- (5) Form of sample (i.e., powder, liquid, tablet, etc.).
- (6) Description of sample.
- (7) Quantity utilized in analysis.
- (8) Disposition of sample.
- (9) Street price, if known.
- (10) Method shipment received.

(E) *Security.* Physical security should be the same as that for a practitioner with the exception that all samples must be treated as Schedules I and II. These requirements are outlined in §§ 1301.75 and 1301.76 of 21 CFR. Copies are available at the DEA Regional Office.

(F) *Qualifications of persons operating the laboratory.* The individuals conducting these programs must have the appropriate chemical background to enable proper analysis of the substances involved. One person involved in the program must have the minimum of a college degree in chemistry or a closely related field. Adequate equipment suitable for conducting such analysis must be possessed by the laboratory.

(G) *Disposition of samples.* In accordance with current regulations, contact the Regional DEA Office prior to disposition of any samples.

(H) *Periodic reports to DEA.* Each laboratory should submit to the DEA Regional Director a quarterly report containing at least the following information:

- (1) Actual content of drug analyzed.
- (2) Alleged content of drug analyzed.
- (3) Description of sample.
- (4) Origin of sample.
- (5) Street price, if known.

(I) *Order Form Requirements.* Each analytical laboratory desiring to conduct anonymous sampling must apply to the DEA Regional Director for a written waiver of the order form requirement. The DEA Regional Director will issue in writing a waiver of this requirement if all qualifications under CSA are met. This written waiver shall include

the statement that the waiver is issued with the provision that the laboratory will conduct its activities in accordance with the above guidelines and that any deviation therefrom will result in withdrawal of the waiver. A copy of the Guidelines will be attached to the written waiver. Withdrawal of the waiver will be in the form of written correspondence from the Regional Director. Once this withdrawal is issued, the laboratory must cease all anonymous analytical work.

Therefore, under the authority vested in the Attorney General by section 308 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 828(a)), delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, and to the Deputy Administrator by Directive 73-2, 38 FR 34662, December 17, 1973, it is proposed that a new paragraph (f) be added to § 1305.03 of Title 21 of the Code of Federal Regulations as follows:

§ 1305.03 Distributions requiring order forms.

An order form (BND Form 222c) is required for each distribution of a controlled substance listed in schedule I or II, except for the following:

(f) The delivery of such substances to a registered analytical laboratory, or its agent approved by DEA, from an anonymous source for the analysis of the drug sample: *Provided*, The laboratory has obtained a written waiver of the order form requirement from the Regional Director of the Region in which the laboratory is located, which waiver may be granted upon agreement of the laboratory to conduct its activities in accordance with Administration guidelines.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received on or before April 1, 1974.

Dated: February 25, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc. 74-4765 Filed 2-27-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148e]

ERYTHROMYCIN ETHYLCARBONATE MONOGRAPHS

Proposed Revocation

The Commissioner of Food and Drugs proposes that 21 CFR Part 148e be amended as it applies to erythromycin ethylcarbonate. To maintain current antibiotic regulations, antibiotic drug monographs providing for drug products

for which no certification has been requested for at least three years are being revoked. Food and Drug Administration records show that erythromycin ethylcarbonate has not been certified since 1967.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act, sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357 and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 148e be amended by revoking § 148e.2 *Erythromycin ethylcarbonate*, § 148e.11 *Erythromycin ethylcarbonate for oral suspension*, and § 148e.23 *Erythromycin ethylcarbonate for pediatric drops* and by reserving them for future use.

Interested persons may, on or before April 29, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Md. 20852, written comments, (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 22, 1974.

MARY A. MCENTREY,
Assistant to the Director for
Regulatory Affairs, Bureau of
Drugs.

[FR Doc. 74-4672 Filed 2-27-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-CE-1]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sac City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new NDB has been commissioned at Sac City, Iowa, for the purpose of establishing an approach procedure for the Sac City Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Sac City, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

SAC CITY, IOWA

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Sac City Municipal Airport (latitude 42°22'30" N., longitude 94°58'45" W.); and within three miles each side of the 138° bearing from the Sac City Municipal NDB, extending from the five-mile radius to eight miles southeast of the NDB; and that airspace extending upward from 1200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° and 318° bearing from Sac City Municipal NDB extending from 1½ miles northwest to 18½ miles southeast of the airport, excluding that portion that overlies the Storm Lake, Iowa and Carroll, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 11, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-4731 Filed 2-27-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Beatrice, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal

Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace a new public-use instrument approach procedure utilizing the Big Blue (BJU) NDB has been established for the Beatrice, Nebraska Municipal Airport. Accordingly, it is necessary to alter the transition area at Beatrice to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

BEATRICE, NEBRASKA

That airspace extending upward from 700 feet above the surface within a six-mile radius of the Beatrice Municipal Airport (Latitude 40°18'01" N., Longitude 96°45'16" W.); and within five miles each side of the Beatrice VOR 325° radial extending from the six-mile radius to 14 miles northwest of the VOR; that airspace extending upward from 1200 feet above the surface within twelve miles southwest and five miles northeast of the Beatrice VOR 325° radial extending from the VOR to 23 miles northwest of the airport excluding that portion which overlies the Lincoln, Nebraska transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 4, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-4730 Filed 2-27-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Algona, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Admin-

istration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new VORTAC-DME approach has been developed for the Algona, Iowa, Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Algona, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

ALGONA, IOWA

That airspace extending upward from 700 feet above the surface within a six mile radius of the Algona Municipal Airport (latitude 43°04'30" N., longitude 94°16'15" W.); and within two miles each side of the 182° bearing from the Algona Municipal Airport, extending from the five-mile radius area to seven miles south of the airport; and that airspace extending upward from 1200 feet above the surface within five miles west and nine and a half miles east of the 182° bearing of the Algona Municipal Airport, extending from the airport to 24½ miles south of the airport, excluding that portion which overlies the Fort Dodge, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 11, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-4729 Filed 2-27-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-4]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Scottsbluff, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Scottsbluff, Nebraska, new NDB and LOC (BC) approaches have been established for the Scottsbluff County Airport. Accordingly, it is necessary to alter the Scottsbluff control zone and transition area to adequately protect aircraft executing these approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is amended to read:

SCOTTSBLUFF, NEBRASKA

Within a five-mile radius of the Scottsbluff County Airport (latitude 41°52'34" N., longitude 103°35'53" W.); and within two miles each side of the Scottsbluff VORTAC 259° radial extending from the five-mile radius zone to the VORTAC; and within two miles each side of the ILS localizer northwest course extending from the five-mile radius zone to seven miles northwest of the airport.

In § 71.181 (39 FR 440), the following transition area is amended to read:

SCOTTSBLUFF, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 9½ mile radius of the Scottsbluff County Airport (latitude 41°52'34" N., longitude 103°35'53" W.); within 4.5 miles south and 9½ miles north of the Scottsbluff VORTAC 079° radial extending from the 9½ mile radius to 13 miles east of the VORTAC, within 4.5 miles southwest and 9½ miles northeast of the ILS localizer southeast course extending from the 9½ mile radius to 13 miles southeast of the outer marker; within five miles northeast and 9½ miles southwest of the ILS localizer northwest course extending from the 9½ mile radius to 17.5 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface

within a 21-mile radius of the Scottsbluff VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on February 4, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-4728 Filed 2-27-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-1]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Clarksburg, W. Va., Control Zone (39 FR 368).

Weather observations required to support the Clarksburg, W. Va., part-time control zone are provided by Allegheny Airlines. Because of variations in airline schedules and weather observational hours by Allegheny Airlines, it is proposed to delete specific effective hours and implement the control zone by its continuous publication in the Airman's Information Manual (AIM).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications on or before April 1, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Clarksburg, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the description of the Clarksburg, W. Va. control zone by deleting the last sentence and by substituting in lieu thereof the following:

This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be published continuously in the Airman's Information Manual.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 11, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-4727 Filed 2-27-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alterations

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 so as to alter the Harrisburg, Pa., Control Zone (39 FR 388) and Transition Area (39 FR 506) and designate a Middletown, Pa., Control Zone.

The airspace requirements for the Harrisburg, Pa. and Middletown, Pa. terminal areas have been reviewed. Alteration of the control zone and transition area will be required to provide controlled airspace in consonance with Terminal Instrument Procedures (TERPs) for IFR arrivals and departures. Designation of a new control zone is also required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 1, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Harrisburg, Pa. and Middletown, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, of the Federal Aviation Regulations by deleting the description of the Harrisburg, Pa. control zone and by substituting the following in lieu thereof:

Within a 6.5-mile radius of the center, 40°12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa.; within 2 miles each side of the extended centerline of Capital City Airport Runway 26, extending from the west end of Runway 26 to 6.5 miles west of the west end of Runway 26; within 2 miles each side of the Harrisburg, Pa. VORTAC 100° radial, extending from the 6.5-mile radius zone to 2.5 miles east of the VORTAC; excluding the portion that coincides with the Middletown, Pa. control zone east of direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Middletown, Pa. control zone as follows:

MIDDLETOWN, PA.

Within a 6-mile radius of the center, 40°11'34" N., 76°45'48" W., of Harrisburg International Airport-Olmsted Field, Middletown, Pa.; within a 7-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 293° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 033° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 033° bearing to a 098° bearing from the airport; within 2 miles each side of the extended centerline of Harrisburg International Airport-Olmsted Field Runway 13, extending from the southeast end of Runway 13 to 6 miles southeast of the southeast end of Runway 13; excluding the portion that coincides with the Harrisburg, Pa. control zone west of direct lines described as follows: a line bearing 028° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone and a line bearing 191° from a point 40°12'23" N., 76°48'38" W., extending from said point to the point of intersection with the Harrisburg, Pa. 6.5-mile radius zone.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Harrisburg, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 19.5-mile radius of the center, 40°12'59" N., 76°51'03" W., of Capital City Airport, Harrisburg, Pa., extending clockwise from a 009° bearing to a 035° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 035° bearing to a 099° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 099° bearing to a 161° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 161° bearing to a 233° bearing from the airport; within a 11.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 290° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 290° bearing to a 009° bearing from the airport;

within 5.5 miles each side of the Harrisburg, Pa. VORTAC 274° radial, extending from the VORTAC to 11.5 miles west of the VORTAC; within 9.5 miles north and 4.5 miles south of the Capital City Airport ILS localizer west course, extending from the OM to 18.5 miles west of the OM; within a 12.5-mile radius of the center, 40°11'34" N., 76°45'48" W. of Harrisburg International Airport-Olmsted Field, Middletown, Pa., extending clockwise from a 025° bearing to a 078° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 147° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 147° bearing to a 228° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 228° bearing to a 270° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 025° bearing from the airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749, (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 11, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-4726 Filed 2-27-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-2]

TRANSITION AREA.

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Waseca, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before April 1, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Two instrument approach procedures have been developed to the Waseca Municipal Airport, Waseca, Minnesota. Controlled airspace is required to protect these procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

WASECA, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five mile radius of the Waseca Municipal Airport (latitude 44°04'24" N., longitude 93°33'10" W.); within three and a half miles each side of the 339° bearing from the Waseca Municipal Airport, extending from the five mile radius to eight miles north of the airport; within one and a half miles each side of the 046° bearing from the Waseca Municipal Airport, extending from the five mile radius to six miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); (sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on February 8, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.74-4725 Filed 2-27-74; 8:45 am]

Federal Highway Administration

[49 CFR Part 391]

[Docket No. MC-49; Notice 74-1]

MEDICAL EXAMINATIONS OF COMMERCIAL VEHICLE DRIVERS BY CHIROPRACTIC PHYSICIANS

Docket Closing Notice

The purpose of this notice is to announce that the Director of the Bureau of Motor Carrier Safety is closing Docket No. MC-49 without further action and does not presently intend to institute additional rulemaking proceedings on the subject of permitting the required medical examinations of commercial vehicle drivers to be performed by chiropractic physicians.

On July 9, 1973, the Director issued an advance notice of proposed rule making, inviting interested persons to comment on a petition for rulemaking filed by the Idaho Association of Chiropractic Physicians. In its petition, the Association asked the Director to amend § 391.43(a) of the Motor Carrier Safety Regulations (49 CFR 391.43(a)) to permit the periodic medical examination of commercial vehicle drivers to be performed by chiropractic physicians.

Upon review of the 274 comments received in response to that invitation, the Director has concluded that it would be unwise to accept, as fulfilling the requirement of a periodic medical examination, an examination of a driver performed by a chiropractic physician.

Under § 391.45 of the Motor Carrier Safety Regulations (49 CFR 391.45), drivers of commercial motor vehicles used for the transportation of passengers

or property in interstate commerce must have a complete physical examination at least once every 24 months. The driver may not drive unless the medical examiner certifies that he meets certain medical criteria spelled out in the regulations. The purpose of the examination is to discover any medical condition which would disqualify a driver from driving a commercial truck or bus under the criteria, which are set out in § 391.41 of the regulations (49 CFR 391.41). The regulations specify that the medical examiner must be a licensed doctor of medicine or osteopathy, except that optometrists may perform visual acuity tests.

The petitioner, the Idaho Association of Chiropractic Physicians, sought to have doctors of chiropractic added as qualified examiners, asserting that persons who hold licenses to practice chiropractic in the State of Idaho are qualified to give the examination and to certify the drivers in accordance with § 391.43 (49 CFR 391.43). Its primary contentions were: (1) Doctors of chiropractic are now approved for coverage under the United States Medicare Program; (2) in the State of Idaho, doctors of chiropractic are now qualified to administer blood tests; (3) the Idaho Attorney General has ruled that State law permits doctors of chiropractic to reduce bone fractures; (4) doctors of chiropractic in Idaho bear the same responsibility for reporting infectious and contagious diseases as doctors of medicine; (5) Idaho chiropractors are authorized to call themselves physicians; and (6) under the Idaho Workmen's Compensation Law, chiropractic physicians are in a position equivalent to that of the other practitioners of the healing arts, both in terms of the number of visits authorized for an injured person and the compensation to be paid for the services they render. Finally, the petitioner claims that the existing rule invidiously discriminates against doctors of chiropractic by restricting the performance of drivers' medical examinations to doctors of medicine and doctors of osteopathy.

There were 149 comments supporting the petition, 123 of which were filed by drivers on three separate form letters without any supporting data. Four chiropractic associations supported the petition and two chiropractors filed comments in opposition to the petition. Nine motor carriers supported the petition, citing the shortage of doctors and consequent delays in obtaining physical examinations, while 21 opposed it. Included in the 125 comments opposing the petition were statements from the American Petroleum Institute, the American Trucking Associations, Inc., the National Association of Motor Bus Owners, and two insurance companies. Finally, 34 medical doctors, 12 medical societies, eleven medical associations, nine medical clinics, and the Department

of Health, Education, and Welfare also opposed the petition.¹

The Department of Health, Education, and Welfare submitted its 1968 report to Congress entitled Independent Practitioners Under Medicare as evidence against changing the current rule.

Those supporting the petition, particularly the American Chiropractic Association, generally reiterated the contentions of the petitioners, noting also the President's statement that there is currently an acute shortage of physicians, and that chiropractic services can perform a vital role in alleviating the health care crisis. Additionally, to counter allegations that chiropractic diagnostic training is inadequate, the Association explained in detail the chiropractic college curricula.

The Director is not in a position to resolve the long-standing conflict in the healing arts regarding the status of chiropractors. The only question which the Bureau must decide is whether chiropractors are sufficiently qualified to diagnose those medical conditions which, under the Federal Motor Carrier Safety Regulations, are relevant to the qualifications of drivers. Section 391.43 of the regulations enumerates the tests which must be conducted and the diseases which must be diagnosed. The Director makes no claim that a doctor of chiropractic cannot test for, diagnose, and treat some of these diseases. However, on the basis of the evidence at hand, it is his conclusion that there are significant lacunae in chiropractic diagnostic training and procedures, particularly in the cardiovascular area, which make a rule change unwarranted at this time.

This conclusion was influenced in part by several factors noted in the portion of the above-cited Department of Health, Education, and Welfare Report to Congress discussing the quality of chiropractic education. The Report listed the following shortcomings in schools which train chiropractors:

1. Lack of inpatient hospital training.
2. Lack of an adequately-qualified, specialized faculty.
3. Low admission requirements for students.
4. Accreditation problems.
5. Inadequate research programs.

These shortcomings raise serious doubts as to the qualifications of chiropractors generally to make adequate diagnoses of dysfunctions which relate to medical qualifications of drivers of large commercial vehicles.

¹ On December 17, 1973, Counsel for the Idaho Association of Chiropractic Physicians notified the Director that the Association desired to withdraw its petition for rulemaking. By that date, the bulk of the comments had been filed, and the Director decided that, in view of the large amount of public interest in the subject-matter of the proceeding, the Bureau would process the rulemaking action to a conclusion, notwithstanding the Association's withdrawal.

The petition, comments supporting a rule change, and other data did not satisfactorily dispose of these doubts. Much of the reasoning was conclusory. For example, the fact that various health-and-welfare plans include chiropractic benefits does not necessarily demonstrate that a chiropractor is qualified to give a comprehensive physical examination and make a correct diagnosis. The services of many health professionals, e.g. physical therapists, are compensable under Medicaid and health insurance plans. But the compensability of their services does not qualify them as diagnosticians.

As stated in the advance notice, the Bureau must, in the final analysis, determine whether chiropractic physicians as a group are trained and skilled to diagnose those conditions which would disqualify a person from serving as a commercial vehicle driver under the criteria and procedures in §§ 391.41 and 391.43 of the Federal Motor Carrier Safety Regulations. Since the safety of the public depends upon the accuracy of the medical examiner's conclusions, reasonable doubts as to the education and skill of chiropractic physicians must necessarily be resolved by leaving the present rule unchanged. On the basis of the available evidence, the Director has concluded that there is reasonable doubt concerning the ability of chiropractors to make an adequate physical examination and diagnosis as required by the Regulations. Accordingly, the Bureau declines to amend § 391.43 of the Motor Carrier Safety Regulations as prayed for in the petition for rulemaking. Docket No. MC-49 is closed.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, (49 U.S.C. 304), section 6 of the Department of Transportation Act, (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on February 15, 1974.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

[FR Doc.74-4665 Filed 2-27-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 87, 91, 93]

[Docket No. 19869 etc.]

ESTABLISHMENT OF PRIVATE OPERATIONAL-FIXED MICROWAVE RADIO SERVICE, ET AL.

Order Extending Time for Filing Comments

In the matter of amendment of the Commission's rules to establish a Private Operational-Fixed Microwave Radio Service (Part 94) Docket No. 19869; Amendment of Parts 7, 9, 10, 11, and 16

(now 81, 87, 91 and 93) of the Commission's rules to provide for the assignment of frequencies in the bands above 952 MC to operational fixed stations in such services upon a showing that harmful interference will not be caused to existing stations, Docket No. 14179; petition for rule making filed by the National Association of Manufacturers to amend Part 91, RM-1862; petition for rule making filed by the Utilities Telecommunications Council to amend Part 2, RM-339; petition for rule making from American Petroleum Institute to amend Parts 2, 81, 87, 91, and 93, RM-2272.

In response to a request from the Utilities Telecommunications Council and for good cause demonstrated therein, *It is ordered*, Pursuant to §0.331(b) (4) of the Commission's rules, that the time for filing comments in the above captioned proceeding is extended until April 1, 1974, and the time for filing reply comments is extended until May 1, 1974.

Adopted: February 15, 1974.

Released: February 22, 1974.

[SEAL] J. RUSSEL SMITH,
Acting Chief, Safety and Special
Radio Services Bureau.

[FR Doc. 74-4752 Filed 2-27-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10636; File No. S7-510]

CERTAIN SHORT SELLING OF SECURITIES AND SECURITIES OFFERINGS

Proposed Prohibition

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rules 10b-20 and 10b-21 (17 CFR 240.10b-20 and 240.10b-21) and to amend Rule 17a-3 (17 CFR 240.17a-3) under the Securities Exchange Act of 1934 (the "Act"). Rules 10b-20 and 10b-21, which are hereby proposed for comment, relate to certain practices which have been brought to the Commission's attention, in part as a result of an investigation by the Commission's staff. The practices primarily involve "short" selling of securities by persons who have given indications of interest to purchase such securities pursuant to secondary¹ securities offerings, and who acquire securities pursuant to such secondary offerings to cover their short sales. Moreover, the Commission has indications that broker-dealers involved in distributing shares may be imposing requirements involving consideration in addition to the announced price of the shares. The proposed amendments to Rules 17a-3(a) (6) and 17a-3(a) (7) would require memoranda of brokerage sale orders and executions in the over-

the-counter market to specify whether such sales are "long" or "short". Rules 10b-20 and 10b-21 are proposed pursuant to Sections 10(b) and 23(a) of the Act. Section 10(b) provides that the Commission may prescribe such rules and regulations as are necessary or appropriate in the public interest or for the protection of investors which prohibit the use or employment of any manipulative or deceptive device or contrivance in connection with the purchase or sale of any security. Rules 17a-3(a) (6) and 17a-3(a) (7) are proposed to be amended pursuant to sections 17(a) and 23(a) of the Act.

It is the Commission's view that short sales made prior to the effective date of a pending registration statement filed with the Commission covering securities of the same class of the same issuer as those sold short, which short sales are covered, as planned at the time of sale, with shares obtained in the registered offering, raise serious questions under Section 5 of the Securities Act of 1933. Therefore, any person intending to purchase securities in any registered secondary offering should be on notice that his selling short the same class of securities prior to the offering may be subject to the registration requirements of Section 5 of the Securities Act, as well as other applicable statutes and rules.

Proposed Rule 10b-20 makes explicit the duty placed on broker-dealers (and others) to refrain from explicitly or implicitly demanding from their customers any payment or consideration in addition to the announced offering price of any securities. The Commission has received indications that in some offerings for which public demand is inadequate the purchase of such offering shares may be tied to certain inducements, such as the opportunity to purchase sought after "hot" issue shares, for which demand exceeds supply.² In response to these inducements, a number of persons may have been encouraged to participate in the distribution of shares for which sufficient public demand does not exist by purchasing them solely with a view to their immediate resale and merely to accommodate those marketing the offerings. The demand for offering shares created by the activities of these participants in the distribution process may obfuscate realistic assessments by underwriters who do not induce such participation and by investors and potential investors of the valid demand for such offerings and may artificially affect the offering price for such shares. Further, rewarding these participants with "hot" issue shares may artificially stimulate high public demand for such shares in that the prior commitment made to such participants, which unjustifiably deprives many members of the public of the opportunity to purchase such "hot" issue shares at their original offering price,

relegates such persons denied shares in the offerings to making purchases in the after market.

This proposed rule is intended as a comprehensive prohibition. It would apply to brokers, dealers, underwriters, issuers, and any other person who agrees to or is participating in any offering of securities. Such persons would be prohibited, in connection with the offer or sale of any security, from (1) requiring the prospective purchaser or purchaser of such security to purchase any other security being offered or sold by such persons; (2) in the case of a registered distribution of securities, requiring a prospective purchaser or purchaser of such offering securities to pay any consideration other than that indicated in the applicable prospectus (or Regulation A offering circular); and (3) requiring any other act, conduct, transaction or promise of any purchaser of any security offered for sale by such persons, with certain limited exceptions. Paragraph (b) of the proposed rule provides that the Commission may, upon written request or by its own motion, exempt any transaction or other conduct from the provisions of this rule.

Proposed Rule 10b-21 is designed to prevent the manipulation of trading markets in securities at a time when registration statements covering secondary offerings of the same class of securities are pending. Secondary offerings are generally priced at or below the trading market price as of a given date. The activities that would be proscribed by this rule tend to create artificial downward pressure on the trading markets in the issuer's outstanding securities. Paragraph (a) (1) of this rule would prohibit short sales by any person who has outstanding an indication of interest to purchase or proposes to purchase shares in the secondary offering. Paragraph (a) (2) would prohibit any person who has made a short sale of any security within five days of the effective date of a secondary offering of the same class of security, and whose short sale remains uncovered at the effective date, from covering such short sale until five days following the effective date of the registration statement (or Regulation A notification) covering the secondary offering or until the completion of the offering, whichever occurs earlier. Because of the legitimate market function performed by certain persons, paragraph (a) (2) also exempts from its provisions market-makers who have been making a continuous market in the securities for a significant period of time, exchange specialists, odd-lot dealers, and bona fide or risk arbitrageurs. Paragraph (b) provides that the Commission may exempt any person from the provisions of this rule upon written request or by its own motion.

The Commission believes that the absolute prohibition against covering purchases over the short period of time contained in paragraph (a) (2) may be necessary to prevent the artificial depression, through manipulations, of the trading markets in securities for which

¹ "Secondary offerings" are used here to mean registered offerings of securities for which there already exist trading markets for the same classes of securities as those being offered.

² The Commission has previously expressed views on this subject in Exchange Act Release No. 5323 (October 16, 1972) (37 FR 22796).

secondary offerings are pending and the covering of such short sales with possibly artificially discounted secondary offering shares. In most instances, the Commission believes that the offering will be completed before the post-effective five-day period has expired and that the period of risk will, therefore, be minimal. While the Commission recognizes that some persons may determine to sell short without an intention to manipulate and without an intention to cover with secondary offering shares, the Commission believes that any prohibition of manipulative activities which are inimical to the capital raising process without the proposed time provisions would be unworkable. Therefore, balancing the public interest against what may be legitimate trading objectives of certain persons, the Commission has proposed the absolute prohibition.

The proposed amendments to Rule 17a-3 (the Commission's broker-dealer recordkeeping rule) would require that broker-dealer memoranda of sale orders for over-the-counter securities be marked as "long" or "short" sales. Rule 10a-1 under the Act presently requires such designations for sale orders of exchange traded securities. The proposed amendment to Rule 17a-3(a)(6) would cover brokerage sale orders and the proposed amendment to Rule 17a-3(a)(7) would cover principal transactions with customers and transactions for the broker-dealer's own account. The proposed amendments are intended to assist broker-dealers in complying with provisions relating to short sales under the securities laws, and most notably Regulation T (12 CFR Part 220) (the broker-dealer margin provision) promulgated by the Board of Governors of the Federal Reserve Board, in that broker-dealers will be required to ask customers, or note if the sale is for the broker-dealer's own account, whether the sale is "long" or "short." The amendments would also aid the Commission's enforcement of the margin provisions. The Commission has been prompted to propose these additions to the recordkeeping provisions because broker-dealers and other persons may not be complying with the margin requirements in connection with short sales in the over-the-counter market. The Commission urges broker-dealers to review their procedures for processing sell orders with a view to ensuring that the applicable provisions of Regulation T are being complied with in full.

Commission action. Pursuant to authority in sections 10(b), 17(a) and 23 (a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt new §§ 240.10b-20 and 240.10b-21 and proposes to amend §§ 240.17a-3(a)(6) and 240.17a-3(a)(7) in Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

§ 240.10b-20 Prohibition against additional consideration in securities offerings.

(a) It shall be unlawful for any person, including, but not limited to, an

underwriter, prospective underwriter, issuer, broker, dealer or other person who has agreed to participate or is participating, directly or indirectly, in an offering of securities by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the offer or sale of any security registered on a national securities exchange or any security not so registered, directly or indirectly,

(1) To require a purchaser or proposed purchaser of such security to purchase any other security being or proposed to be offered or sold by any such person, or

(2) To require a purchaser or proposed purchaser to make payment of any consideration for such security other than that indicated in the registration statement and prospectus or notification on Form 1-A (§ 239.90 of this chapter) and offering circular covering the offer and sale of such security, or

(3) To require a purchaser or proposed purchaser, in order to purchase such security, to perform any act, engage in any conduct, effect any other transaction or refrain from assurance to perform, engage in, effect or refrain from any of the foregoing, other than any usual or customary requirements for payment for such security within the time required under this Act or the opening of an account with such broker or dealer.

(b) This section shall not prohibit any transaction or transactions or other conduct if the Commission, upon written request or upon its own motion, exempts such transaction, transactions or conduct either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this section.

§ 240.10b-21 Prohibition against certain short selling.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act,

(1) For any person, who, direct or indirectly, has outstanding an indication of interest to purchase or is purchasing or proposes to purchase securities in an offering covered by a registration statement or a notification on Form 1-A (§ 239.90 of this chapter) under the Securities Act of 1933, to sell short securities of the same class of the same issuer until after such registration statement has been declared effective or until the initial offering of securities under Regulation A (§§ 230.251 et seq. of this chapter) under the Securities Act of 1933 is made; or

(2) For any person who has effected one or more short sales through any account in which he has a beneficial interest of any security within five business days prior to the effective date of a registration statement filed under the Securities Act of 1933, or within five business days prior to the date of the initial offering of securities under a notification on Form 1-A, covering the same class of securities of the same issuer, to bid for or purchase, directly or indirectly, for any such account, any security which

is the subject of an offering under such registration statement or notification on Form 1-A, or any security of the same class of the same issuer, until five business days following the effective date of the registration statement or the date the initial offering under a notification on Form 1-A commences, or until completion of such offering, whichever occurs first; *Provided*, That the provisions of this paragraph (a) (2) shall not apply to any broker or dealer which is registered with a national securities exchange as a specialist in the same class of securities which are the subject of the proposed offering, or which has submitted both bid and ask quotations as to such security in an interdealer quotation system at specified prices on each of at least twelve days within the thirty calendar days preceding the filing with the Commission of such registration statement or notification on Form 1-A, with no more than four business days in succession without such a two-way quotation, or which is registered as an odd-lot dealer, or to any person who has effected or proposes to effect a bona fide foreign or domestic or risk arbitrage transaction.

(b) This section shall not prohibit any transaction or transactions or other conduct if the Commission, upon written request or upon its own motion, exempts such transaction, transactions or conduct either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purposes of this Section.

§ 240.17a-3 Books and records.

(a) * * *

(6) A memorandum of each brokerage order, and of any other instruction, given or received for the purchases or sales of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, whether, if a sale, the order is entered "long" or "short," the price at which executed and, to the extent feasible, the time of execution or cancellation. An order shall not be marked "long" unless (i) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (ii) the broker-dealer is informed that the seller owns the security ordered to be sold, and as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected. Orders entered pursuant to the exercise of discretionary power by such member, broker, or dealer, or any employee thereof, shall be so designated. The term "instruction" shall be deemed to include instructions between partners and employees of a member, broker, or dealer. The term "time of entry" shall be deemed to mean the time when such member, broker, or dealer transmits the order or instruction for execution or, if it is not so transmitted the time when it is received.

(7) A memorandum of each purchase and sale of securities for the account of such member, broker, or dealer showing the price and, to the extent feasible, the time of execution and whether, if a sale, such sale was effected "long" or "short"; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, the account in which it was entered and whether, if a sale such sale was effected "long" or "short". A sale shall not be marked "long" unless (i) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (ii) the broker-dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

(Sections 10(b), 17(a), 23, 48 Stat. 891, 897, 901, sections 4, 8, 49 Stat. 1379, section 5, 52 Stat. 1076, section 10, 78 Stat. 580, 15 U.S.C. 78j(b), 78q, 78w.)

All interested persons are invited to submit their views and comments on the foregoing proposed rules and amended rules, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, DC 20549, to be received on or before April 15, 1974. All such communications will be available for public inspection and should refer to File No. S7-510.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 11, 1974.

[FR Doc.74-4692 Filed 2-27-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1915, 1916, 1917, 1918]

[S-73-5]

ACCIDENTS IN MARITIME INDUSTRIES

Proposed Reporting Procedures; Notice of Hearing

On January 31, 1973, 29 CFR 1915.6 was deleted (38 FR 2967), and on March 1, 1973, §§ 1916.6, 1917.6, and 1918.7 of Title 29 of the Code of Federal Regulations, were deleted (38 FR 5467) in order to eliminate the overlap with the regulations in § 1904.8. The effect of these deletions was to clarify the accident reporting procedures to be followed in ship repairing, shipbuilding, shipbreaking, and longshoring by making the procedures prescribed in § 1904.8 the only reporting procedures to be followed in the maritime industries. However, the deletions also eliminated the requirement to report accidents resulting in the hospitalization of less than five employees. Subsequently, petitions were received asserting the importance of requiring the reporting of accidents resulting in the

hospitalization of one or more employees and urging the restoration of the requirement. Because the comments so vigorously expressed the importance of the former reporting procedures, on June 13, 1973, it was proposed to amend 29 CFR Parts 1915, 1916, 1917, and 1918, giving all interested persons an opportunity to comment (38 FR 15522). The proposed amendments would reestablish the requirement for the reporting of accidents resulting in the hospitalization of one or more employees.

Since the proposed amendments were published, additional comments and requests for a hearing have been received.

In light of the requests for a hearing and the controversy which has arisen over the amendments, a hearing will be held. Oral data, views, and arguments will be heard before an administrative law judge to be designated for this purpose by the Chief Administrative Law Judge of the United States Department of Labor. Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Secretary of Labor's Order-No. 12-71 (36 FR 8754) and 29 CFR Part 1911, a hearing will be held in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. on April 15, 1974. A prehearing conference, commencing at 9:30 a.m., will be held in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. The hearing will immediately follow the prehearing conference.

The hearing will only concern issues arising from the amendments proposed in the FEDERAL REGISTER on June 13, 1973 (38 FR 15522), including:

(1) Whether an employer should be required to report accidents in the maritime industry which result in the hospitalization of one or more employees; and

(2) What is the appropriate time interval for the initial reporting of accidents by employers.

Regardless of prior written comments, interested persons wishing to appear at the hearing must file a written notice of intention to appear, together with two copies, postmarked no later than April 1, 1974. The notice must state the name and address of the person wishing to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the proposed rules. A notice of intention to appear not complying with the above rules will be unacceptable and may be returned by the Assistant Secretary with indication of deficiencies thereof and reasons for non-acceptance and return.

Communications should be addressed to: J. Goodell, Room 240, 1726 M St. NW., Washington, D.C. 20210.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. All documents that are intended to be submitted should be submitted in triplicate (original and two copies).

The hearing will be conducted in accordance with the rules of 29 CFR Part 1911. The administrative law judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the proposed regulations;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to permit cross-examination of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written recommendations, and supporting reasons, and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearing, the administrative law judge shall certify the record to the Assistant Secretary for Occupational Safety and Health.

Upon consideration of the record of the hearing together with any other written data, views, or arguments received concerning this proceeding, the Assistant Secretary may adopt the proposals with or without changes.

Signed at Washington, D.C., this 22d day of February 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-4757 Filed 2-27-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1125]

[Ex Parte No. 293; Sub-No. 2]

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Notice of Proposed Rulemaking and Order

FEBRUARY 19, 1974.

This notice and order is issued pursuant to, and under the authority of, section 205(d)(3) of the Regional Rail Reorganization Act of 1973 (the "Act"), Pub. L. 93-236, 87 Stat. 985, which provides that the Rail Services Planning Office of the Interstate Commerce Commission (the "Office") shall—

*** within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties", the avoidable costs of providing service, and "a reasonable return on the value", as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of title 5, United States Code ***

The Act has as its principal focus the statutory reorganization of railroads in

bankruptcy in the northeastern quarter of the United States, and the restructuring of rail services in the 17-State region defined in section 102(13), plus additional territories added by the Commission by order entered January 14, 1974, in Ex Parte No. 293, namely, points in the St. Louis, Mo., and Louisville, Ky., Standard Metropolitan Statistical Areas and Manitowoc and Kewaunee, Wisc. (the "Region"). Among other things, it provides for the development and ultimate approval by the Congress of a final system plan (the "Plan") for the redesign of rail services in the Region. The Plan is expected to identify a number of lines which are not considered essential to the overall rail transportation system and which cannot be operated profitably. These lines will not be included in the Plan, and section 304 of the Act, to which reference is made in section 205(d) (3) quoted above, permits the termination of service over, and the abandonment of, those lines under certain conditions.

Any time after the thirtieth day following the effective date of the Plan, the owner of a line excluded from the Plan may give notice to the governors of affected States and certain other persons of its intention to terminate service over the line. The notice may provide for termination of service at any time following 60 days after the issuance of the notice. Thus rail service over a line not included in the Plan could be terminated as early as 90 days following the effective date of the Plan. Rail properties may be abandoned, with certain exceptions, 120 days following the effective date of a notice of termination of train service over those properties.

Section 304(c) (2) of the Act provides that discontinuance of train service over, and abandonment of, lines not included in the Plan cannot be carried out if, as pertinent to this proceeding, a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offers—

* * * a rail service continuation subsidy which covers the differences between the revenue attributable to such rail properties and the avoidable costs of providing service on such properties plus a reasonable return on the value of such rail properties * * *

section 205(d) (3), quoted above, requires the Office to promulgate standards for applying this formula within 180 days after the date of enactment of the Act—that is, on or before July 1, 1974.

Title IV of the Act recognizes the importance to the United States of continuing in operation rail lines not included in the Plan but considered essential by one of the States in the Region. It establishes a new program under which the Federal government is to reimburse the States for 70 percent of the amount of rail service continuation subsidies paid by them in order to maintain operations over rail lines that would otherwise have been abandoned under the Act.

In considering what standards should be established for computing the amount of a rail service continuation subsidy, it is essential to bear in mind not only the

clearly expressed intent of the Congress to provide for the continued operation of services that might otherwise be terminated under the Act, but also the time limitations which Congress has imposed. The Office is allocated a period of only 180 days to develop and issue the standards, and the standards must be adopted pursuant to a proceeding subject to the Administrative Procedure Act requirement that all interested persons be given an opportunity to be heard. This means that a very tight procedural schedule must be adopted and adhered to.

More important is the fact that service over a line not included in the Plan could be terminated only 90 days after the Plan becomes effective, and only 60 days after notice of the owner's intention to terminate is given, unless a firm offer to provide subsidy is made by some interested person or government agency. To be able to make the decision whether to offer a subsidy, the cost of that subsidy must be known with at least a fair degree of precision. This means that if the intent of the Congress to establish an effective subsidy program is to be honored, and if the standards adopted in this proceeding are to serve any useful purpose, those standards must be such as to permit rapid calculation of the amount of the subsidy. In short, they must provide for a formula which can be applied to a given situation and produce an answer to the subsidy cost question in a very short time—necessarily less than the 60 days allowed by the Act between issuance of a notice of intent to terminate service and the effective date of the termination.

The proposed standards for determining the revenue and avoidable costs attributable to a line not included in the Plan and as to which a notice of intent to terminate service has been given (herein for convenience called a "branch") are made up, in effect, of a series of apportionment formulas under which various revenue and expense accounts, as reported by the railroads to the Commission, are prorated between the branch and remainder of the owning railroad's system. The formulas require, for the most part, the application of data submitted routinely by the railroads in their annual reports and annual freight commodity statistics. Certain other information will also be required in order to make the required apportionments, and the proposed rules provide for its submission. Admittedly, the result of applying the apportionment formulas proposed is likely to be a less precise measure of attributable revenues and avoidable costs than would be achieved if an exhaustive study of branch costs and revenues were conducted in order to arrive at a measure of "avoidable loss" as that term has been used in the past by the Commission in its determination of routine rail abandonment applications. However, the statutory plan for northeastern and mid-western rail service restructuring, of which the required standards are a part, does not permit the luxury of detailed

and time consuming studies of cost and revenue experience on individual lines.

In most if not all instances, only the railroad proposing to terminate service on a branch will have access to the information needed to assign historical revenues and costs to that line. Thus it is proposed that a rule be adopted requiring the railroad, when it submits its notice of intent to terminate service, to furnish the data necessary for making that determination. A notice of intent to terminate service under the rule proposed here would not be deemed complete until all such information had been supplied, and the effective date of the proposed termination of service could not be set by the railroad at less than 60 days following the date upon which its completed notice, including all necessary data, had been filed with this Office and the governor of the State in which the Branch Line is located. Those data would also have to be made available upon request, to all persons entitled to receive notice of the railroad's intention to terminate service. Comments are invited as to alternative procedures which would insure that the States obtain access to the necessary data in time to answer the subsidy cost question within the time constraints of the statute.

The proposed method of calculating "avoidable costs of providing service" and "revenue attributable to rail properties" uses data from the Commission's Annual Report Form A (recently redesignated as form R-1) and Annual Form QCS, both containing generally available data compiled by the railroads, and certain other statistics providing additional data needed for apportioning revenue and expenses to branch line operations set out in § 1125.7(d) and Table I of the proposed standards. These data are available only from the railroads, but they should be able to furnish them without undue difficulty.

Development of a standard to determine what is a reasonable return on the value of rail properties to be kept in operation under subsidy requires a two-step process. First a means for determining the value of the properties must be established; second, what constitutes a fair rate of return must be determined.

The standard proposed for determining the value of the properties involved is net liquidation value—that is, current market value less the costs related to dismantling and disposal of the property. Disputes are likely to arise between the owning railroad and the subsidizing body over the value of the properties involved, and also possibly over the identification of the actual properties needed to provide the level of service to be performed. The proposed standard, therefore, includes a provision for compulsory arbitration.

The proposed standard for determining what is a reasonable return on the value of the property to be subsidized establishes a variable rate of return based on recent experience in the sale of what are considered relatively safe, long-term railroad securities—namely,

equipment trust certificates. They are highly rated, and sold by competitive bidding to knowledgeable investors. In a recent sale, equipment trust certificates bearing interest at eight per cent per year were sold at 100.5573, or an actual interest cost of 7.89 per cent. The rate of return on the value of a branch to be subsidized would, under the proposed standard, be the average interest cost for equipment trust certificates sold by Class I railroads in the United States during the 3 calendar months preceding the month in which the notice of termination of service over the branch becomes effective. It is contemplated that the Office would make that computation and publish the current rate of return monthly in the *FEDERAL REGISTER*.

All persons interested in filing statements of their views on the proposed standards which are a part of this notice, or in proposing for consideration alternative standards, are invited to do so. Statements should be submitted in writing to the Office on or before May 3, 1974. An original and six copies of any statement should be supplied. Because of the severe time limitations imposed by the Regional Rail Reorganization Act of 1973, reply statements will not be entertained, nor will oral hearings be held. In light of the foregoing considerations:

It is ordered, That a proceeding be, and it is hereby, instituted under the provisions of section 205(d) (3) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985, looking toward the adoption of standards for determining "the revenue attributable to the rail properties", the "avoidable costs of providing service", and "a reasonable return on the value" as those terms are used in section 304 of such Act;

And it is further ordered, That no oral hearing be scheduled for receiving testimony in this proceeding, but that all interested persons be invited to participate in this proceeding by submitting written representations containing statements of fact or views. Comments are particularly invited on the proposed standards which accompany this notice and order. To be considered, the original and six copies of each representation must be filed before May 3, 1974, with:

Rail Services Planning Office
Interstate Commerce Commission
Washington, D.C. 20423

By the Commission, Rail Services Planning Office.

ROBERT L. OSWALD,
Secretary.

- Sec.
1125.1 General;
1125.2 Definitions.
1125.3 Revenue attributable to particular rail lines.
1125.4 Avoidable costs of providing service on particular lines.
1125.5 Valuation of rail properties.
1125.6 Reasonable return.
1125.7 Submission of data by railroads seeking to terminate service.
1125.8 Amendment.

AUTHORITY: Section 205(d) (3), Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985.

§ 1125.1 General.

These standards are issued by the Rail Services Planning Office of the Interstate Commerce Commission pursuant to section 205(d) (3) of the Regional Rail Reorganization Act of 1973, and provide rules for the interpretation and application of the provisions of section 304(c) (2) of that Act regarding the payment of rail service continuation subsidies.

§ 1125.2 Definitions.

(a) Act means the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985.

(b) Branch means a line of railroad not included in the final system plan as defined in section 102(6) of the Act, and which is the subject of a notice to terminate service under section 304(a) of the Act.

(c) Commission means the Interstate Commerce Commission.

(d) Office means the Commission's Rail Services Planning Office, established by section 205 of the Act.

(e) Railroad, unless the context requires otherwise, means a railroad company, or the trustee or trustees of a railroad company, which owns or controls a system of rail lines of which a branch is a part, or was a part prior to the effective date of the final system plan as defined in section 102(6) of the Act.

(f) Subsidizing body includes a shipper, the United States, a State, a local or regional transportation authority, or any responsible person offering, or expressing its intention to offer, a rail service continuation subsidy under section 304(c) (2) (i) of the Act.

§ 1125.3 Revenue attributable to particular rail lines.

The revenue attributable to a branch shall be the sum of the revenues apportioned to the branch in accordance with the principles set forth in this section.

(a) Freight revenues (Account 101) shall be apportioned to the branch in accordance with the following procedure:

(1) Utilizing information reported by the railroad in its most recent Annual Report of Freight Commodity Statistics (Interstate Commerce Commission Annual Form QCS) and the branch commodity statistics required to be supplied by such railroad under § 1125.7(d) (2) (i) of this part, obtain the gross freight revenue and the tons originated for each of the commodities originated on the branch, and compute the gross freight revenue per ton originated for such commodities.

(2) Multiply the gross freight revenue per ton originated separately by commodities by the tons originated on the branch for each commodity and by tons terminated on the branch which originated off the branch and aggregate the resulting products per ton originated and terminated to obtain branch line gross freight revenue.

(3) Adjust the branch line gross freight revenue by a percentage that is the relationship of freight revenue (Account 101) in the railroad's most recent Annual Report to the Commission (Rail

Form A or R-1) to gross freight revenue from its most recent Annual Report of Freight Commodity Statistics (Annual Form QCS) to obtain freight revenues attributable to the branch.

(b) Passenger revenues (Account 102) shall be apportioned to the branch on the basis of passenger miles on the branch to system passenger miles.

(c) Account 103—Baggage; 104—Sleeping car; 105—Parlor and chair car; 106—Mail; 107—Express; 108—Other passenger train; 131—Dining and buffet.

Apportion to branch on the basis of passenger car-miles on the branch to system passenger-car miles.

(d) Account 110—Switching; 135—Storage freight; 137—Demurrage; 138—Communication; 142—Rents of buildings and other property; 143—Miscellaneous.

Where applicable to branch operations, assign directly; otherwise exclude.

(e) Account 151—Joint facility—Cr.; 152—Joint facility—Dr.

Where applicable to branch operations, apportion to branch on proportion of track miles operated to system track miles operated.

§ 1125.4 Avoidable costs of providing service on particular lines.

The avoidable costs of providing service over a branch shall be the sum of the expenses apportioned to the branch in accordance with the principles set forth in this section. Where applicable, expenses for providing both freight and passenger services shall be apportioned to the branch.

(a) Expenses for maintenance of way and structures.

(1) Account 201—Superintendence; 274—Injuries to persons; 275—Insurance; 276—Stationery and printing; 277—Employees' health and welfare benefits; 282—Other expenses.

Apportion to branch on the proportion of branch expenses in Accounts 202-265, inclusive, to system expenses in the same accounts.

(2) Account 202—Roadway maintenance; 212—Ties; 216—Other track material; 218—Ballast; 220—Track laying and surfacing.

Apportion to the branch on the basis of equated track miles of branch line tracks. Basis of equating tracks, shall be:

	Percent
1st Main track.....	100
2nd Main track.....	83
3rd Main track.....	75
Branch line main track.....	49
Passing tracks.....	43
Yard tracks and sidings.....	33

(3) Account 206—Tunnels and subways; 208—Bridges, trestles, and culverts; 210—Elevated structures; 221—Fences, snowsheds, and signs.

Where applicable, apportion to branch on proportion of branch expenses in Accounts 202-265, inclusive, to system expenses in the same accounts.

(4) Account 227—Station and office buildings.

Apportion to branch on basis of tons of revenue freight or passengers carried

on branch to tons of system revenue freight or passengers carried.

(5) Account 229—Roadway buildings; 231—Water stations; 233—Fuel stations; 265—Miscellaneous structures; 266—Road property—Depreciation; 267—Retirements—Road; 269—Roadway machines; 270—Dismantling retired road property; 271—Small tools and supplies; 272—Removing snow, ice, and sand; 273—Public improvements—Maintenance; 281—Right-of-way expenses; 282—Other expenses.

Apportion to branch on basis of miles of road operated on branch to miles of road operated on the system.

(6) Account 237—Grain elevators; 239—Storage warehouses; 241—Wharves and docks; 243—Coal and ore, wharves.

Where applicable, apportion to branch on basis of miles of road operated on branch to miles of road operated on the system.

(7) Account 235—Shops and engine houses; 247—Communications systems; 249—Signals and interlockers.

Apportion to branch on proportion of branch train miles to total system train miles.

(8) Account 244—TOFC/COFC terminals.

Apportion to branch on basis of tons of revenue freight carried in TOFC/COFC vehicles on the branch to total system tons of revenue freight carried in TOFC/COFC vehicles.

(9) Account 253—Power plants; 257—Power—transmission systems.

Apportion to branch on proportion of locomotive unit-miles of electric locomotives on branch to system electric locomotive unit-miles.

(10) Account 278—Maintaining joint tracks, yards, and other facilities—Dr.; 279—Maintaining joint tracks, yards, and other facilities—Cr.

Apportion to branch where applicable on the basis of miles operated on the branch to total miles operated on the system.

(b) Expenses for maintenance of equipment.

(1) Account 301—Superintendence; 332—Injuries to persons; 333—Insurance; 334—Stationery and printing; 335—Employees' health and welfare benefits; 339—Other expenses.

Apportion to branch on proportion of branch expenses in Accounts 311, 314, 318 and 323 to total system expenses in the same Accounts.

(2) Account 302—Shop machinery; 304—Powerplant machinery; 305—Shop and power-plant machinery—depreciation; 306—Dismantling retired shop and power-plant machinery; 329—Dismantling retired equipment; 331—Equipment depreciation; 336—Joint maintenance of equipment—Dr.; 337—Joint maintenance of equipment—Cr.

Apportion to the branch on proportion of branch expenses in Accounts 311, 314, 318, and 323 to total system expenses in the same Accounts. Charges for work done on cars rented on a mileage basis shall be excluded from Account 314.

(3) Account 311—Locomotive—Repairs, Diesel locomotives—Yard; 311—

Locomotive—Repairs, Other than diesel—Yard.

Apportion to the branch on proportion of the yard switching locomotive miles operated on the branch to system yard switching locomotive miles.

(4) Account 311—Locomotive—Repairs, Diesel locomotives—Other; 311—Locomotive—Repairs, Other than diesel—Other.

Apportion to the branch on the proportion of the branch gross ton-miles, including locomotives in road service, to system gross ton-miles, including locomotives in road service.

(5) Account 314—Freight train cars—Repairs.

Apportion to branch on proportion of branch loaded and empty freight car-miles of other than mileage rented cars to system loaded and empty freight car-miles of other than mileage rented cars.

(6) Account 318—Highway revenue equipment—Repairs.

Apportion to branch on proportion of branch vehicle-miles (loaded and empty) in revenue service to system vehicle-miles (loaded and empty) in revenue service.

(7) Account 323—Floating equipment—Repairs.

Where applicable, apportion to branch on proportion of branch cars handled (loaded and empty) to system cars handled (loaded and empty).

(8) Account 326—Work equipment—Repairs; 327—Miscellaneous—Repairs.

Apportion to branch on proportion of branch nonrevenue ton-miles to system nonrevenue ton-miles.

(c) Traffic expenses (Accounts 351-360) shall be apportioned to branch on proportion of tons of revenue freight carried on branch to system tons of revenue freight carried.

(d) Transportation (rail line) expenses.

(1) Account 371—Superintendence; 409—Employees' health and welfare benefits; 410—Stationery and Printing; 411—Other Expenses; 414—Insurance; 420—Injuries to persons.

Apportion to branch on proportion of branch expenses in Accounts 372, 373 to 389, 392 to 408, and 415 to total system expenses in same accounts.

(2) Account 372—Dispatching trains; 401—Trainmen; 404—Signal and interlocker operation; 405—Crossing protection; 406—Drawbridge operation; 407—Communications system operation; 415—Clearing wrecks; 416—Damage to property; 417—Damage to livestock on right-of-way.

Apportion to branch on proportion of branch train-miles to total system train-miles.

(3) Account 373—Station employees; 376—Station supplies and expenses.

Apportion to branch on proportion of tons of revenue freight carried on branch to system tons of revenue freight carried.

(4) Account 374—Weighing, inspection and demurrage bureaus; 375—Coal and ore wharves; 408—Operating floating equipment.

These expenses shall be excluded unless essential to branch operation. Where applicable, apportion to branch on proportion of branch tons of revenue freight to system tons of revenue freight.

(5) Account 377—Yardmasters and yard clerks; 378—Yard conductors and brakemen; 379—Yard switch and signal tenders; 380—Yard enginemen; 382—Yard switching fuel; 383—Yard switching power produced; 384—Yard switching power purchased; 388—Servicing yard locomotives; 389—Yard supplies and expenses; 390 & 391—Operating joint yards and terminal (net).

Apportion to branch on proportion of branch yard switching locomotive unit-miles to system yard switching locomotive unit-miles.

(6) Account 392—Train enginemen; 394—Train fuel; 395—Train power produced; 396—Train power purchased; 400—Servicing train locomotives; 412 & 413—Operating joint tracks and facilities (net).

Apportion these expenses to the branch on proportion of branch locomotive unit-miles (including train switching) to system locomotive unit-miles (including train switching).

(7) Account 402—Train supplies and expenses.

Apportion to branch on proportion of branch freight car-miles (loaded, empty and caboose) to system freight car-miles (loaded, empty and caboose).

(e) Miscellaneous operations expenses (Accounts 441-448) shall be assigned to branch only if directly applicable, and otherwise shall be excluded.

(f) General expenses (Accounts 451-462) shall be apportioned to branch on proportion of branch expenses in each group of Accounts listed in subsections (a)-(d) of this section to total system expenses in the same groups of Accounts.

(g) Expenses reported under Account 532, Railway tax accruals, shall be apportioned as follows:

(1) Payroll taxes shall be apportioned to the branch on the basis of total branch operating expenses to total system operating expenses.

(2) Property taxes shall be apportioned to branch on the basis of branch miles of road to total miles of road within the state.

(3) Other taxes shall be apportioned on the basis of miles of road operated on branch to miles of road operated on the system.

(h) Rent income and payable.

(1) Account 503—Hire freight cars and highway revenue equipment—Cr.; 536—Hire of freight cars and highway revenue equipment—Dr.

Apportion the net of the above accounts to the branch on the basis of car miles on the branch to total system car miles.

(2) Account 504—Rent from locomotives; 506—Rent from floating equipment; 539—Rent for floating equipment.

Assign to branch only where applicable.

(3) Account 507—Rent from work equipment; 540—Rent for work equipment.

Follow instructions for Account 326—Work equipment repairs.

(4) Account 508—Joint facility rent income.

Assign directly to branch where applicable, otherwise apportion expenses to branch on the proportion of the sum of Accounts 279, 337, 413, and 462 charged to branch to total of such accounts.

(5) Account 537—Rent for locomotives.

Apportion to the branch line on the basis of locomotive unit-miles used on the branch to total system locomotive unit-miles.

(6) Account 541—Joint facility rents. Assign directly to branch where applicable, otherwise apportion expenses to branch on the proportion of the sum of Accounts 278, 336, 390, 412, and 461, charged to branch to total of such accounts.

§ 1125.5 Valuation of rail properties.

The value of rail properties on a branch shall be determined in accordance with the following principles:

(a) For the purposes of these standards, properties on a branch shall include only those properties and facilities—

(1) Which are used and useful to provide those rail services demanded by the subsidizing body; or

(2) In the absence of a specific demand for services by the subsidizing body, which are used and useful to provide the rail services actually performed on the branch on the effective date of the final system plan.

(b) The value of properties on a branch shall be the net liquidation value of those properties—that is, their current market value less all costs related to dismantling and disposition of improvements necessary to render the remaining property available for its highest and best use.

(c) If the railroad and the subsidizing body fail to reach agreement over what properties are used and useful or the net liquidation value of those properties within what the subsidizing body considers a reasonable time after negotiations for the payment of a rail service continuation subsidy are begun, the subsidizing body may notify the railroad of its intention to seek arbitration, and—

(1) The railroad and the subsidizing body shall each appoint a representative, and the appointed representatives shall select an arbitrator or arbitrators mutually acceptable to them, and the decision of the arbitrator or arbitrators shall be final; or

(2) In the event that the railroad fails to appoint a representative as required in sub-paragraph (1) above within 5 days following receipt of a notice from the subsidizing body naming its representative, or in the event that the appointed representatives fail to agree upon a mutually acceptable arbitrator or arbitrators within 5 days following appointment of the railroad's representative, the subsidizing body may submit the matter for arbitration to the Ameri-

can Arbitration Association whose determination of the dispute shall be final.

§ 1125.6 Reasonable return.

(a) The reasonable return on the value of rail properties on a branch as established in the immediately preceding section shall be the simple average interest cost for Equipment Trust Certificates sold by Class I railroads in the United States (as defined by the Commission), during the three calendar months immediately preceding the month in which a notice of intent to terminate service over the branch became, or would have become, effective.

(b) Average interest costs for Equipment Trust Certificates sold during the three immediately preceding months shall be computed monthly by the Office and published in the FEDERAL REGISTER.

§ 1125.7 Submission of data by railroads seeking to terminate service.

(a) Any railroad filing notice of its intention to terminate service over a branch pursuant to section 304(a) of the Act shall—

(1) Serve upon the Director, Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20423, a copy of its notice accompanied by a copy of its most recent Annual Report (Interstate Commerce Commission Rail Form A or R-1) on file with the Commission, a copy of its most recent Annual Report of Freight Commodity Statistics (Interstate Commerce Commission Annual Form QCS) on file with the Commission, and the information described in subsection (d) of this section;

(2) Serve upon the governor or governors of the State or States within which the branch is located copies of the materials and information required to accompany the copy of the notice to be filed with the Director of the Office as provided in the immediately preceding paragraph; and

(3) Upon request, provide to any person entitled to notice under section 304 (a) (2) (C) of the Act copies of, or reasonable access to, the materials and information required to accompany the copy of the notice to be served upon the Director of the Office as provided in paragraph (1) of this subsection.

(b) No notice of intention to terminate rail service on a branch shall be deemed completed until all the materials and information required to accompany the copy of the notice to be filed with the Director of the Office as provided in paragraph (a) (1) of this section have in fact been served upon him and upon the governor or governors of the State or States within which the branch is located.

(c) No rail service over a branch shall be terminated under the provisions of section 304(a) of the Act less than 60 days following the date upon which a completed notice of intention to terminate service, as described in the immediately preceding subsection, has been served upon the governor or governors of the State or States within which the branch is located.

(d) Pursuant to the provisions of paragraph (a) of this section, and in addition to the information specified therein, any railroad filing notice of its intention to terminate service over a branch pursuant to section 304(a) of the Act shall provide the following information, developed for the same year as the railroad's most recent Annual Report on file with the Commission:

(1) The railroad shall provide the items of information listed in Table 1 accompanying these standards. To the extent applicable, the railroad shall provide for each item listed in Table 1, information with respect to—

(i) Operations on the branch in freight service;

(ii) Operations on the entire system in freight service;

(iii) Operations on the branch in passenger service; and

(iv) If passenger service is provided on the branch, operations on the entire system in passenger service.

(2) The railroad shall either—

(i) Provide a listing of all commodities originating and terminating on the branch, identifying such commodities by the commodity codes used in the Quarterly Report on Freight Commodity Statistics, and providing for each commodity the tonnage originating and terminating on the branch; or

(ii) Shall provide its own computation of the freight revenues to be apportioned to the branch in accordance with the provisions of § 1125.3(a) of this part. If the railroad elects to supply its own computation of freight revenues attributable to the branch, it shall make available for examination the working papers from which such computation was made to a subsidizing body upon request, provided that, if the railroad shall so request, the subsidizing body agrees to maintain the confidentiality of any information that may be disclosed in the course of such examination.

§ 1125.8 Amendment.

The right to amend this part, following notice and the opportunity to be heard, is hereby expressly reserved. The following information is to be provided pursuant to 49 CFR 1125.7(d) (1):

TABLE 1

AVERAGE -MILES, OF ROAD OPERATED	
1	First main.
2	Second main.
3	3rd and 4th main.
4	Branch.
5	Passing tracks.
6	Yard and sidings.
TRAIN-MILES	
7	Diesel locomotives.
8	Other locomotives.
9	Total locomotives.
10	Motorcars.
11	Total train-miles.
LOCOMOTIVE UNIT-MILES	
12	Road service (Diesel and Other).
13	Road service (Electric only).
14	Train switching.
15	Yard switching.
16	Total locomotive unit-miles (lines 12, 14 & 15).

CAR-MILES

- 17 Total motorcar car-miles.
- 18 Loaded time-mileage freight cars.
- 19 Loaded other freight cars.
- 20 Empty time-mileage freight cars.
- 21 Empty other freight cars.
- 22 Caboose.
- 23 Total freight car-miles (lines 18 thru 22, incl.).

GROSS TON-MILES AND TRAIN-HOURS IN ROAD SERVICE

- 24 Gross ton-miles of locomotives and tenders (thousands).
- 25 Gross ton-miles of freight-train cars contents, and cabooses (thousands).
- 26 Train-hours—Total.

REVENUE AND NONREVENUE FREIGHT TRAFFIC

- 27 Tons of revenue freight.
- 28 Tons of nonrevenue freight.
- 29 Tons of revenue freight in TOFC/COFC service.
- 30 Tons-miles—Revenue freight in road service (thousands).
- 31 Ton-miles—Nonrevenue freight in road service (thousands).
- 32 Count of floated cars.

VEHICLE-MILES (LOADED AND EMPTY)

LINE-HAUL (STATION TO STATION)

- 33 Truck-miles.
- 34 Tractor miles.

TERMINAL SERVICE (WHEN PERFORMED BY VEHICLES OTHER THAN THOSE USED FOR LINE-HAUL)

- 35 Pickup and delivery.

PASSENGER SERVICE

- 36 Passengers carried.
- 37 Passenger miles.
- 38 Passenger-car miles.

NOTE: In preparing the above information, the railroad shall separate average miles of road operated by the various types of track listed at lines 1 through 6; assign directly to the branch the passing track, yard, and siding track mileage where they are solely related to the branch; and assign train-miles, locomotive unit-miles, car-miles, gross ton-miles and highway vehicle miles on the basis that they are incurred on the branch. Revenue and non-revenue traffic data shall be accumulated from source documents, such as waybills, to obtain appropriate statistics for the branch.

[FR Doc.74-4778 Filed 2-27-74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-75]

FOREIGN CURRENCIES

Certification of Rates

FEBRUARY 19, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-40 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy Lira:

February 11, 1974	-----	\$0.001514
February 12, 1974	-----	Holiday
February 13, 1974	-----	.001519
February 14, 1974	-----	.001521
February 15, 1974	-----	.001522

[SEAL]

R. N. MARRA,
Director, Appraisal
and Collections Division.

[FR Doc.74-4716 Filed 2-27-74;8:45 am]

DEPARTMENT OF JUSTICE

[Order 562-74]

U.S. CLINICAL RESEARCH CENTER, LEXINGTON, KENTUCKY

Establishment and Designation of a Federal Correctional Institution

By virtue of the authority vested in me by sections 4003, 4042, 4081 and 4082 of Title 18, United States Code, I hereby establish and designate the facility formerly known as the United States Clinical Research Center, Lexington, Kentucky, as the Federal Correctional Institution, Lexington, Kentucky. This institution is hereby designated as a place of confinement for persons charged with or convicted of offenses against the United States or otherwise placed into the custody of the Attorney General of the United States.

Dated: February 14, 1974:

W. B. SAXBE,
Attorney General.

[FR Doc.74-4688 Filed 2-27-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ROSEBURG DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Roseburg District Advisory Board will meet on March 26, 1974, at 9:00 a.m., in the Roseburg District Office, Bureau of Land Management, 1928 NE. Airport Road, Roseburg, Oregon. The agenda for the meeting includes election of chairman and vice-chairman, consideration of the Roseburg District's proposed timber sale plan for fiscal year 1975, fiscal year 1975 access road program, the Districts proposed new office building complex, the Small Business Administration set-aside program, the intensive forest inventory program, and the 1974 reforestation program.

The meeting will be open to the public. It will be held in a room accommodating 120 people. In addition to discussion of agenda topics by board members, there will be opportunity for brief statements by non-members. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman in care of the co-chairman: Roseburg District Manager, 1928 NE. Airport Road, Roseburg, OR 97470.

GEORGE C. FRANCIS,
District Manager, Roseburg.

FEBRUARY 20, 1974.

[FR Doc.74-4685 Filed 2-27-74;8:45 am]

Fish and Wildlife Service

LACASSINE NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on April 10, 1974, in Lake Arthur City Hall, Lake Arthur, Louisiana, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Lacassine Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within

the Lacassine National Wildlife Refuge, which is located in Cameron Parish, Louisiana.

A study summary containing a map and information on the Lacassine Wilderness Proposal may be obtained from the Refuge Manager, Lacassine National Wildlife Refuge, Box 186, Route 1, Lake Arthur, Louisiana 70549 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 10, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport
Fisheries and Wildlife.

FEBRUARY 25, 1974.

[FR Doc.74-4741 Filed 2-27-74;8:45 am]

MATTAMUSKEET, SWANQUARTER, PEA ISLAND, CEDAR ISLAND

Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 10 a.m. on April 2, 1974, at the Court-house in Swanquarter, North Carolina, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including Mattamuskeet, Swanquarter, Pea Island, and Cedar Island Wilderness proposals within the National Wilderness Preservation System. The wilderness study included the entire acreage within Mattamuskeet, Swanquarter, Pea Island, and Cedar Island National Wildlife Refuges, which are located in Hyde and Currituck Counties, North Carolina.

A study summary containing maps and information on Mattamuskeet, Cedar Island, Pea Island and Swanquarter Wilderness Proposals may be obtained from the Refuge Manager, Mattamuskeet National Wildlife Refuge, New Holland, North Carolina 27885 and the Refuge Manager, Pea Island, National Wildlife Refuge, Box 606, Manteo, North Carolina 27954, and the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 2, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

FEBRUARY 12, 1974.

[FR Doc.74-4740 Filed 2-27-74;8:45 am]

**National Park Service
DEATH VALLEY NATIONAL MONUMENT,
CALIFORNIA, NEVADA**

**Public Hearings Regarding Wilderness
Proposal**

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892 (16 U.S.C. 1131, 1132)), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held on April 1, 1974, in the Environmental Protection Agency Auditorium, National Environmental Research Center Building, 944 East Harmon Avenue, Las Vegas, Nevada, and on April 3, 1974, in the California Room, New City Convention Center, 303 North E Street, San Bernardino, California, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 1,596,500 acres within the Death Valley National Monument. The hearing in Las Vegas, Nevada, will begin at 1 p.m., recess from 5 p.m. until 7 p.m., and continue to conclusion. The hearing in San Bernardino, California, will begin at 1 p.m., recess from 5 p.m. until 7 p.m., and continue to conclusion. The National Monument is located in southeastern California and southwestern Nevada.

A packet containing a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Death Valley National Monument, Death Valley, California 92328, or from the Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36036, San Francisco, California 94102.

A description of the preliminary boundaries and a map of the area proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets, NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Superintendent, Death Valley National Monument, Death Valley, California 92328, by March 29 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion

in the official record, which will be held open until May 3, 1974.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

- (1) Governor of the State or his representative.
- (2) Members of Congress.
- (3) Members of the State Legislature.
- (4) Official representative of the counties in which the proposed wilderness is located.
- (5) Officials of other Federal agencies or public bodies.
- (6) Organizations in alphabetical order.
- (7) Individuals in alphabetical order.
- (8) Others not giving advance notice, to the extent there is remaining time.

Dated: February 20, 1974.

RICHARD C. CUNRY,
Associate Director,
National Park Service.

[FR Doc.74-4397 Filed 2-27-74;8:45 am]

**NATIONAL CAPITAL MEMORIAL ADVISORY
COMMITTEE**

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Memorial Advisory Committee will be held at 1:30 p.m. on Monday, March 11, 1974, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statutes. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Fed-

eral land in the National Capital region.

The members of the committee are as follows:

Mr. Ronald H. Walker (Chairman),
Director, National Park Service
Washington, D.C.
Mr. George M. White
Architect of the Capitol
Washington, D.C.
General Mark W. Clark
Chairman, American Battle
Monuments Commission
Washington, D.C.
Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.
Mr. William H. Press
Chairman, National Capital
Planning Commission
Washington, D.C.
Honorable Walter E. Washington
Mayor-Commissioner of the
District of Columbia
Washington, D.C.
Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to discuss proposed memorials to be erected in the District of Columbia or its environs. The proposed memorials to be considered are:

1. H.R. Res. 343—To authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs.

2. S.J. Res. 45—To provide for the erection of a memorial to those who served in the Armed Forces of the United States in the Vietnam War.

3. The Peter Muhlenberg Memorial authorized under Public Resolution No. 30, approved May 2, 1923. The legislation identified a site on parkland at Connecticut Avenue, 36th and Ellcott Streets, NW., known as U.S. Reservation No. 337.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: February 21, 1974.

ROBERT M. LANDAU,
Liaison Officer,
Advisory Commissions.

[FR Doc.74-4639 Filed 2-27-74;8:45 am]

**Office of the Secretary
HARLEY L. COLLINS**

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

HARLEY L. COLLINS.

[FR Doc.74-4693 Filed 2-27-74; 8:45 am]

RAY F. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: January 4, 1974.

RAY F. DAVIS.

[FR Doc.74-4694 Filed 2-27-74; 8:45 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

B. M. GUTHRIE.

[FR Doc.74-4695 Filed 2-27-74; 8:45 am]

WILLIAM HENNE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

WILLIAM HENNE.

[FR Doc.74-4696 Filed 2-27-74; 8:45 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: January 2, 1974.

B. C. HULSEY.

[FR Doc.74-4697 Filed 2-27-74; 8:45 am]

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: December 31, 1973.

ANDREW P. JONES.

[FR Doc.74-4698 Filed 2-27-74; 8:45 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: December 31, 1973.

CARLOS O. LOVE.

[FR Doc. 74-4699 Filed 2-27-74; 8:45 am]

JOHN MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.

- (3) No change.
- (4) No change.

This statement is made as of January 2, 1974.

Dated: January 2, 1974.

JOHN MADGETT.

[FR Doc.74-4700 Filed 2-27-74; 8:45 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: January 1, 1974.

ROBERT J. MARCHETTI.

[FR Doc.74-4701 Filed 2-27-74; 8:45 am]

JOHN A. McMAHON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) Northeast Utilities, Canadian International Power Co., Freeport Minerals, Federal Mogul Corp.
- (3) No change.
- (4) No change.

This statement is made as of January 7, 1974.

Dated: January 7, 1974.

JOHN A. McMAHON.

[FR Doc.74-4702 Filed 2-27-74; 8:45 am]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: January 2, 1974.

SAMUEL RIGGS SHEPPERD.

[FR Doc.74-4703 Filed 2-27-74; 8:45 am]

WILLARD B. SIMONDS**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: February 13, 1974.

WILLARD B. SIMONDS.

[FR Doc.74-4704 Filed 2-27-74;8:45 am]

FRED M. TREFFINGER**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 14, 1974.

Dated: January 14, 1974.

FRED M. TREFFINGER.

[FR Doc.74-4705 Filed 2-27-74;8:45 am]

C. N. WHITMIRE**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of January 1, 1974.

Dated: December 31, 1973.

C. N. WHITMIRE.

[FR Doc.74-4076 Filed 2-27-74;8:45 am]

ROBERT WINFREE**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of December 31, 1973.

Dated: December 31, 1973.

ROBERT WINFREE.

[FR Doc.74-4707 Filed 2-27-74;8:45 am]

PROPOSED NATIONAL PARKS, WILDLIFE REFUGES, RANGES, FORESTS, AND WILD AND SCENIC RIVERS IN ALASKA

Notice of Extension of the Review Period for Draft Environmental Statements

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior prepared draft environmental statements for 28 proposed National Parks, Wildlife Refuges, Ranges, Forests, and Wild and Scenic Rivers in Alaska. The proposals were made in accordance with the Alaska Native Claims Settlement Act of 1971.

Notice of availability of the draft environmental statements was published in the FEDERAL REGISTER, 38 FR 355085, Friday, December 28, 1973. An additional notice of availability was published in the FEDERAL REGISTER, 39 FR 3297, Friday, January 25, 1974.

The purpose of this notice is to announce an extension of the period for public review and comment on the draft environmental statements. This extension has been granted in response to numerous requests by the public and shall consist of approximately 120 days of additional review time. All written comments should be received by the new closing dates for the review period which are listed below.

June 24, 1974, will be the closing date for comments on seven of the draft environmental statements. These seven statements are the ones for Aniakchak Caldera National Monument, Kobuk Valley National Monument, Alaska Coastal National Wildlife Refuge, Selawik National Wildlife Refuge, Birch Creek National Wild River, Beaver Creek National Wild River, and additions to the Chugach National Forest. July 22, 1974, will be the closing date for the remaining 21 draft environmental statements. These are, Cape Krusenstern National Monument, Mount McKinley National Park, Harding Icefield-Kenai Fjords National Monument, Katmai National Park, Gates of the Arctic National Park, Chukchi-Imuruk National Reserve, Yukon-Charley National Rivers, Lake Clark National Park, Wrangell-St. Elias National Park, Yukon Delta National Wildlife Refuge, Arctic National Wildlife Refuge, Koyukuk National Wildlife Refuge, Togiak National Wildlife Refuge, Yukon Flats National Wildlife Refuge, Ilamna National Resource Range, Noatak National Arctic Range, Fortymile National Wild River, Unalakleet National Wild

River, Porcupine National Forest, Yukon-Kuskokwim National Forest and Wrangell Mountains National Forest.

DOUGLAS P. WHEELER,
Deputy Assistant Secretary
of the Interior.

FEBRUARY 2, 1974.

[FR Doc.74-4000 Filed 2-27-74;8:45 am]

DEPARTMENT OF AGRICULTURE**Food and Nutrition Service**

[FSP No. 1974-4.1; amdt. 24]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico. Additionally, section 5(b) specifies that these special standards of eligibility or coupons allotments shall not exceed those in effect in the fifty States. The coupon allotments set forth are based on changes in prices of food in Puerto Rico through August 31, 1973. Therefore, Notice FSP No. 1974-4.1 is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II Code of Federal Regulations.

Coupon allotments for households of four persons and all subsequent even numbers of persons are not divisible by four. This results in total coupon allotments of less than whole dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect immediately, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1974-4.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Puerto Rico, shall be as follows:

Household size:

One	\$183
Two	240
Three	320
Four	407
Five	480
Six	553
Seven	627
Eight	700
Each additional member	+60

"Income" as the term is used in the notice is as defined in paragraph (c) of

§ 271.3 of the Food Stamp Program regulations.

Pursuant to section 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which state agencies are authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in Puerto Rico are as follows:

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly net income	For a household of—							
	1	2	3	4	5	6	7	8
	Person	Persons	Persons	Persons	Persons	Persons	Persons	Persons
The monthly coupon allotment is—								
	\$36	\$68	\$96	\$123	\$144	\$166	\$188	\$210
And the monthly purchase requirement is—								
\$0 to \$19.99	0	0	0	0	0	0	0	0
\$20 to \$29.99	1	1	0	0	0	0	0	0
\$30 to \$39.99	4	4	4	4	5	5	5	5
\$40 to \$49.99	6	7	7	7	8	8	8	8
\$50 to \$59.99	8	10	10	10	11	11	12	12
\$60 to \$69.99	10	12	13	13	14	14	15	16
\$70 to \$79.99	12	15	16	16	17	17	18	19
\$80 to \$89.99	14	18	19	19	20	21	21	22
\$90 to \$99.99	16	21	21	22	23	24	25	26
\$100 to \$109.99	18	23	24	25	26	27	28	29
\$110 to \$119.99	21	26	27	28	29	31	32	33
\$120 to \$129.99	24	29	30	31	33	34	35	36
\$130 to \$139.99	27	32	33	34	36	37	38	39
\$140 to \$149.99	30	35	36	37	39	40	41	42
\$150 to \$159.99	31	38	40	41	42	43	44	45
\$160 to \$169.99	32	44	46	47	48	49	50	51
\$170 to \$179.99		50	52	53	54	55	56	57
\$180 to \$189.99		56	58	59	60	61	62	63
\$190 to \$199.99		58	64	65	66	67	68	69
\$200 to \$209.99			70	71	72	73	74	75
\$210 to \$219.99			76	77	78	79	80	81
\$220 to \$229.99			82	83	84	85	86	87
\$230 to \$239.99			88	89	90	91	92	93
\$240 to \$249.99				95	96	97	98	99
\$250 to \$259.99				104	105	106	107	108
\$260 to \$269.99				113	114	115	116	117
\$270 to \$279.99					123	124	125	126
\$280 to \$289.99					132	133	134	135
\$290 to \$299.99					140	142	143	144
\$300 to \$309.99						151	152	153
\$310 to \$319.99						160	161	162
\$320 to \$329.99							170	171
\$330 to \$339.99							179	180
\$340 to \$349.99								189
\$350 to \$359.99								198
\$360 to \$369.99								202
\$370 to \$379.99								
\$380 to \$389.99								
\$390 to \$399.99								
\$400 to \$409.99								
\$410 to \$419.99								
\$420 to \$429.99								
\$430 to \$439.99								
\$440 to \$449.99								
\$450 to \$459.99								
\$460 to \$469.99								
\$470 to \$479.99								
\$480 to \$489.99								
\$490 to \$499.99								
\$500 to \$509.99								
\$510 to \$519.99								
\$520 to \$529.99								
\$530 to \$539.99								
\$540 to \$549.99								
\$550 to \$559.99								
\$560 to \$569.99								
\$570 to \$579.99								
\$580 to \$589.99								
\$590 to \$599.99								
\$600 to \$609.99								
\$610 to \$619.99								
\$620 to \$629.99								
\$630 to \$639.99								
\$640 to \$649.99								
\$650 to \$659.99								
\$660 to \$669.99								
\$670 to \$679.99								
\$680 to \$689.99								
\$690 to \$699.99								
\$700 to \$709.99								
\$710 to \$719.99								
\$720 to \$729.99								
\$730 to \$739.99								
\$740 to \$749.99								
\$750 to \$759.99								
\$760 to \$769.99								
\$770 to \$779.99								
\$780 to \$789.99								
\$790 to \$799.99								
\$800 to \$809.99								
\$810 to \$819.99								
\$820 to \$829.99								
\$830 to \$839.99								
\$840 to \$849.99								
\$850 to \$859.99								
\$860 to \$869.99								
\$870 to \$879.99								
\$880 to \$889.99								
\$890 to \$899.99								
\$900 to \$909.99								
\$910 to \$919.99								
\$920 to \$929.99								
\$930 to \$939.99								
\$940 to \$949.99								
\$950 to \$959.99								
\$960 to \$969.99								
\$970 to \$979.99								
\$980 to \$989.99								
\$990 to \$999.99								

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. Value of the total allotment. For each person in excess of eight, add \$18 to the monthly coupon allotment for an eight-person household.

B. Purchase requirement. 1. Use the purchase requirement shown for the eight-person household for households with incomes of \$689.99 or less per month.

2. For households with monthly incomes of \$690 or more, use the following formula:

For each \$30 worth of monthly income (or portion thereof) over \$689.99, add \$9 to the monthly purchase requirement shown for an eight-person household with an income of \$689.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add \$16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective February 28, 1974.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

CLAYTON YEUTER,
Assistant Secretary.

FEBRUARY 21, 1974.

[FR Doc.74-4596 Filed 2-27-74;8:45 am]

Forest Service

CARSON NATIONAL FOREST GRAZING ADVISORY BOARDS

Notice of Meetings

The annual meeting for each of the two Grazing Advisory Boards on the Carson National Forest will be held as follows:

The annual meeting of the Taos-Penasco-Questa Division Grazing Advisory Board will be held at 10 a.m., March 30, 1974, at the Forest Super-

visor's Office on Cruz Alta Road in Taos, New Mexico, and

The annual meeting of the Tierra Amarilla Grazing Division Advisory Board will be held at 10 a.m., April 6, 1974, at the Tres Piedras Ranger Station, Tres Piedras, New Mexico.

The purpose of the annual meetings is to receive the Boards' recommendations concerning the administration and management of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify W. R. Snyder, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico, phone (505) 758-2237. Written statements may be filed with the committee before or after the meeting.

JOHN S. CREILIN,
Acting Forest Supervisor.

FEBRUARY 21, 1974.

[FR Doc.74-4687 Filed 2-27-74;8:45 am]

SOUTH KAIBAB GRAZING ADVISORY BOARD

Notice of Meeting

The South Kaibab Grazing Advisory Board will meet at 1:00 p.m., March 27, 1974, in the Forest Supervisor's Office, 103 W. Bill Williams Avenue, Williams, Arizona.

The purpose of this meeting is to correct election results, the subleasing of grazing permits, the Williams Area Land Use Plan, and a general discussion period.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Kaibab National Forest, P.O. Box 817, Williams, Arizona, telephone 635-4481. Written statements may be filed with the committee before or after the meeting.

Those attending may express their views when recognized by the Chairman.

Dated: FEBRUARY 22, 1974.

KEITH T. PFEFFERLE,
Forest Supervisor.

[FR Doc.74-4686 Filed 2-27-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-408]

PRUDENTIAL-GRACE LINES, INC.

Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc. has applied for authorization to operate a chartered vessel on its subsidized Line C (Trade Route 4) Cargo Vessel Service for one year. The Operator provides or may provide service on Line C between U.S. Atlantic ports and ports in the Venezuela-Netherlands West Indies-North Coast of Colombia range, with privileges of serving certain other Caribbean and Atlantic areas such as Guantanamo Bay, Cuba, Jamaica, Haiti, Dominican Republic, Guadeloupe, Martinique, Caribbean ports in Central America from Panama to British Hon-

duras, inclusive, and the port of Cristobal, Canal Zone. Prudential-Grace Lines, Inc. has also requested an increase in its operating-differential subsidy contract Line C sailing requirements from the present minimum of 24 and maximum of 30 per annum to a minimum of 47 and a maximum of 54 sailings per annum for the period of time it operates the chartered vessel.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on March 7, 1974, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: February 25, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-4781 Filed 2-27-74; 8:45 am]

National Oceanic and Atmospheric
Administration
**APPLICATION FOR TRANSFER OF FISHING
VESSELS**

Notice of Hearing

FEBRUARY 21, 1974.

Notice is hereby given that on January 25, 1974, Richard Reiss filed an application, pursuant to the provisions of (46 U.S.C. 808 and 835) to, among other things, transfer approximately 34 fishing and work vessels to Seacoast Products, Inc., a Delaware Corporation, and approximately 38 fishing and work vessels to the New Smith Meal Company, Inc., a Massachusetts Corporation. The stock of both Seacoast Products, Inc., and New Smith Meal, Inc., is owned by Hanson White, Inc., a Delaware Cor-

poration, which is a subsidiary of Hanson Industries, Inc., also a Delaware Corporation. Hanson Industries is a subsidiary of Hanson Trust, Ltd., a publicly held British corporation.

The applicant states that if the application is approved the fishing vessels will continue to be American registered and will continue fishing operations (menhaden fishery) as in the past. The applicant further states that no change is contemplated in the crews of the vessels.

While the Maritime Administration must approve the transfer, it has requested the views of the National Marine Fisheries Service prior to taking action on the application. Because of the number of vessels involved, and because of the increasing frequency of applications for the transfer of control of companies operating U.S. flag fishing vessels to foreign interests, the Service has decided to hold a public hearing on this application for the purpose of receiving the views of interested persons.

This hearing will be held as 10:00 a.m., Wednesday, March 20, 1974, in the Penthouse Conference Room of the National Marine Fisheries Service, 2001 Wisconsin Avenue, NW., Washington, D.C. 20007. Any person wishing to make an inquiry with regard to the application, or who wishes to submit written comment on the application, may address such inquiry or comment to the Director, National Marine Fisheries Service, Washington, D.C. 20235. In order to assure that all written comments will be given full consideration, such comments should be postmarked no later than March 15, 1974.

ROBERT W. SCHONING,
Director.

[FR Doc.74-4670 Filed 2-27-74; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

**ADVISORY COUNCIL ON DEVELOPING
INSTITUTIONS**

Public Meeting

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held on March 5, 1974, from 9:00 a.m. to 4:00 p.m. in Room 3008 at the Office of Education, 400 Maryland Avenue SW, Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. It is being held for the purpose of finalizing work on the annual report. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, DCHE, located in Room 4015, 400 Maryland Avenue, SW.

Signed at Washington, D.C., on February 6, 1974.

PRESTON VALIEN,
Director, College and University Unit, Office of the Deputy Commissioner for Postsecondary Education.

[FR Doc.74-4703 Filed 2-27-74; 8:45 am]

**National Institutes of Health
AD HOC ADVISORY GROUP ON
EPIDEMIOLOGY**

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Ad Hoc Advisory Group on Epidemiology, National Cancer Institute, March 11, 1974, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be closed to the public from 9:00 a.m. to 5:00 p.m., March 11, 1974, to review contracts in the field of breast cancer epidemiology in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4662 Filed 2-27-74; 8:45 am]

**BOARD OF REGENTS OF THE NATIONAL
LIBRARY OF MEDICINE**

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on March 21-22, 1974, in the Starry Conference Room, Florida State University, Tallahassee, Florida. The meeting will be open to the public all day on March 21 for administrative reports

and program and operation discussions. On March 22 the meeting will be open from 9:00 to 9:15 a.m. It will be closed to the public from 9:15 a.m. to adjournment for grant applications review, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and section 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

The Information Officer who will furnish summaries of both the open and closed meeting portions, a roster of Board members, and substantive information is: Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, Room M-122, 8600 Rockville Pike, Bethesda, Maryland 20014, telephone number: 301-496-6308.

(Catalog of Federal Domestic Assistance, Program Nos. 13.348, 13.349, 13.351, 13.352—National Institutes of Health).

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4649 Filed 2-27-74; 8:45 am]

BREAST CANCER DIAGNOSIS COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Diagnosis Committee, National Cancer Institute, March 27, 1974, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 1:30 p.m. to 5:00 p.m., March 27, 1974, to discuss protocols for Fiscal Year 1975 studies. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:00 a.m. to 12:00 noon, March 27, 1974, to review contracts in the field of breast cancer diagnosis in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4659 Filed 2-27-74; 8:45 am]

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Epidemiology Committee, National Cancer Institute, March 12, 1974, 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be closed to the public from 9:00 a.m. to 5:00 p.m., March 12, 1974, to review contracts in the field of breast cancer epidemiology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4663 Filed 2-27-74; 8:45 am]

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Experimental Biology Committee, National Cancer Institute, March 22, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 2:30 p.m. to 5:00 p.m., March 22, 1974, to discuss plans for Fiscal Year 1975. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:30 a.m. to 2:30 p.m., March 22, 1974, for discussion and review of contract proposals in the field of experimental biology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. D. Jane Taylor, Executive Secretary, Landow Building, Room A-404, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6718) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4656 Filed 2-27-74; 8:45 am]

BREAST CANCER TREATMENT COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Treatment Committee, National Cancer Institute, March 12, 1974, 9:00 a.m., National Institutes of Health, Landow Building, Room C-418. This meeting will be open to the public from 9:00 a.m. to 11:00 a.m. to discuss general programs and specifications for requests for proposals concerning breast cancer treatment. Attendance by the public will be limited to space available. The meeting will be closed to the public from 11:00 a.m. to 5:00 p.m., March 12, 1974, to review contract proposals in the field of treatment of breast cancer, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Mary E. Sears, M.D., Executive Secretary, Landow Building, Room A-416, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6773) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4658 Filed 2-27-74; 8:45 am]

CANCER CONTROL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, March 25, 1974, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., March 25, 1974, to discuss minutes of last meeting, announcements, program report and future meeting dates and closed to the public from 10:30 a.m. to 5:00 p.m., March 25, 1974, to review applications for contracts in the fields of education and training in accordance with the provisions set forth in section 552(b) 4 of

Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open/closed meeting and a roster of committee members.

Margaret H. Edwards, M.D., Executive Secretary, Blair Building, Room 729, National Institutes of Health, Silver Spring, Maryland 20910, (301/427-8080) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4655 Filed 2-27-74;8:45 am]

CANCER CONTROL TREATMENT AND REHABILITATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Treatment and Rehabilitation Review Committee National Cancer Institute, March 11-12, 1974, 8:30 a.m. to 5:00 p.m., National Institutes of Health, Building 31A, Conference Room 3 (March 11) and Conference Room 2 (March 12). This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., March 11, 1974, to discuss the activities of the Cancer Control Treatment and Rehabilitation Branches. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to 5:00 p.m. on March 11, 1974, and from 8:30 a.m. to 5:00 p.m. on March 12, 1974, to review contracts in the field of cancer treatment in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Joseph W. Cullen, Executive Secretary, Blair Building, 8300 Colesville Road, Silver Spring, Maryland 20910 (301/427-7477), will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4657 Filed 2-27-74;8:45 am]

CHEMICAL/BIOLOGICAL INFORMATION-HANDLING REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, April 18, 1974, 8:00 p.m., Thorndike Memorial Laboratory, Room 108, Boston City Hospital, Boston, Massachusetts, and April 19, 1974, 8:30 a.m., The Hilton Inn, The Diplomat Room, Logan International Airport, Boston, Massachusetts. The meeting will be open to the public from 8:00 p.m. to 10:30 p.m., April 18, for the demonstration of the Prophet System in human clinical investigation and from 8:30 a.m. to Noon, April 19, for the presentation on Prophet System performance. The meeting will be closed to the public from 1:00 p.m. to adjournment, April 19, for the review of proposals for access to Prophet System services in accordance with provisions set forth in section 552(b)4 of Title 5 U.S. Code for contracts and section 10(d) of Pub. L. 92-463. Attendance by the public is limited to space available.

The Science and Health Reports Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. William Raub, Building 31, Room 5B19, Bethesda, Maryland 20014, 496-5411.

(Catalog of Federal Domestic Assistance Program No. 13.835, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4654 Filed 2-27-74;8:45 am]

COLON-RECTUM CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Colon-Rectum Cancer Advisory Committee, National Cancer Institute, March 30-31, 1974. On March 30 the meeting will be held at the Shamrock Hilton Hotel, Venetian Room, Houston, Texas, from 8:00 p.m. to 10:00 p.m. and will reconvene on March 31 at 9:00 a.m. This meeting will be open to the public from 9:00 a.m. to 12:00 noon on March 31 to review the progress of the National Large Bowel Cancer Project and plans for the future. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:00 p.m. to 10:00 p.m. March 30 and from 1:00 p.m. until adjournment March 31 for the purpose of grant application review in the field of large bowel cancer

in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Samuel Price, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7194) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.391, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4641 Filed 2-27-74;8:45 am]

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, Wednesday, Thursday, and Friday, March 13, from 8:00 p.m. to 11:00 p.m., March 14, from 9:00 a.m. to 5:00 p.m., and March 15, 1974, from 9:00 a.m. to 5:00 p.m., National Institutes of Health, Landow Building, Room C418, Bethesda, Maryland. The meeting will be closed to the public to discuss and review contract proposals submitted in response to recent requests for proposals in the field of cancer immunodiagnosis, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Barbara H. Sanford, Ph. D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4650 Filed 2-27-74;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Com-

mittee on Cancer Immunotherapy, Thursday and Friday, March 21, from 8:30 a.m. to 11:00 p.m., and March 22, 1974, from 8:30 a.m. to 6:00 p.m., National Institutes of Health, Landow Building, Room C418, Bethesda, Maryland. The meeting will be closed to the public to discuss and review contract proposals submitted in response to recent requests for proposals in the field of cancer immunology, in accordance with the provisions set forth in section 552 (b) 4 of Title 5 U.S. Code, and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B-17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4651 Filed 2-27-74; 8:45 am]

COMMITTEE ON CANCER IMMUNOBIOLOGY

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunobiology, Sunday, Monday and Tuesday, March 31, from 7:00 p.m. to 11:00 p.m., and April 1 and 2, 1974, from 9:00 a.m. to 5:00 p.m., National Institutes of Health, Landow Building, Room C418, Bethesda, Maryland. The meeting will be closed to the public to discuss and review contract proposals submitted in response to recent requests for proposals in the field of cancer immunobiology, in accordance with the provisions set forth in section 552 (b) 4 of Title 5 U.S. Code, and Section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the closed meeting and roster of committee members.

Barbara H. Sanford, Ph.D., Executive Secretary, Building 10, Room 4B-17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4652 Filed 2-27-74; 8:45 am]

EXTRAMURAL PROGRAMS SUBCOMMITTEE OF THE BOARD OF REGENTS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Extramural Programs Subcommittee of the Board of Regents, National Library of Medicine, on March 20, 1974, from 2:00 to 5:00 p.m., in the Starry Conference Room, Florida State University, Tallahassee, Florida. The meeting will be closed to the public for grant applications review, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

The information officer who will furnish a meeting summary, a roster of members, and substantive information is: Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, Room M-122, 8600 Rockville Pike, Bethesda, Maryland 20014, telephone number: 301-496-6308.

(Catalog of Federal Domestic Assistance, Program Nos. 13.348, 13.349, 13.351, 13.352—National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4647 Filed 2-27-74; 8:45 am]

HYPERTENSION RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Hypertension Research Centers Advisory Committee, National Heart and Lung Institute, March 13, 1974, 8:30 p.m., Holiday Inn, Bethesda, Maryland, Georgia Room; and on March 14, 1974, 8:30 a.m., Landow Building, Bethesda, Maryland, Room C803. The meeting will be open to the public from 8:30 p.m. to 10:30 p.m., March 13, 1974, to discuss research supported by the National Heart and Lung Institute in hypertension and the Committee's assessment of current and future needs in hypertension, particularly as related to the specialized center program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:30 a.m. to 4:00 p.m., March 14, 1974, for review and evaluation of non-competing grant applications for Specialized Centers of Research in Hypertension, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. Ronald G. Geller, NHLI, NIH Landow Building, Room C816, phone 496-1857.

(Catalog of Federal Domestic Assistance Program No. 13.374, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4648 Filed 2-27-74; 8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, National Institute of Child Health and Human Development, March 25-26, 1974, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on March 25 with current status reports from the Acting Director, NICHD, and staff members, a scientific presentation by one of the Council members, and presentations and discussion of specific programs. The meeting will be closed to the public from 9:00 a.m. to 5:00 p.m., March 26, to review grant applications in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, NICHD, Landow Building, Room A-804B, National Institutes of Health, 496-5133, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from Mrs. Marjorie Neff, Executive Secretary of the Council, Room C-603, Landow Building, National Institutes of Health, 496-1756.

(Catalog of Federal Domestic Assistance Program 13.317, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4640 Filed 2-27-74; 8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, on March 19, 1974, and a meeting of the Research Subcommittee of the National Advisory Eye Council on the preceding evening, March 18, 1974, at the National Institutes of Health, Building 31, Conference Room 4. The meeting of the National Advisory Eye Council on March 19, 1974 will be open to the public from 9 a.m. to 12 noon for discussion on the use of the fiscal year 1973 impounded funds and the fiscal year 1974 appropriation and its implications. There will also be reports from the Director, NEI, the Council program planning subcommittee on the Retinal and

Choroidal Diseases Program evaluation, and the Associate Director for Extramural and Collaborative Programs on the status of research training and fellowships. This meeting on March 19 will be closed to the public from 1 p.m. for the review of grant applications in accordance with the provisions set forth in Sec. 552(b)4 of Title 5 U.S. Code, and Sec. 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

The Research Subcommittee of the National Advisory Eye Council will meet at 7 p.m., March 18, 1974, and will be closed to the public for discussion and review of special grant applications in the field of vision research. This closed meeting is therefore exempt from mandatory disclosure under Sec. 552(b)4 of Title 5 U.S. Code, and of Sec. 10(d) of Pub. L. 92-463.

Mr. Julian Morris, Program Planning Officer, NEI, Building 31, Room 6A-27, National Institutes of Health, 496-5248, will furnish summaries of the meeting on March 19, 1974 and rosters of Council members. Substantive program information may also be obtained from Dr. George T. Brooks, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, 496-4903.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4645 Filed 2-27-74;8:45 am]

NATIONAL CANCER ADVISORY BOARD Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, March 18-20, 1974, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m., March 18, and from 1:30 p.m., March 19 through adjournment, March 20, to discuss a report on a conference to update the National Cancer Plan; to review American Cancer Society activities in relation to the Cancer Control Program and other NCI activities; and, to discuss a report of the Ad Hoc Advisory Committee for Review of the Special Virus Cancer Program. On March 20, there will be a general review of research in asbestos carcinogenesis. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:00 a.m. to 12:00 noon, March 19, to review grant applications, in accordance

with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.312; 13.314; 13.391; 13.392, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4644 Filed 2-27-74;8:45 am]

PHARMACOLOGY-TOXICOLOGY PROGRAM COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Program Committee, National Institute of General Medical Sciences, April 29-30, 1974, 9:00 a.m., National Institutes of Health, Building 31C, Conference Room 6. This meeting will be open to the public from 9:00 a.m. to 12:30 p.m., April 29, 1974, for opening remarks and discussion of objectives and accomplishments of the program and revision of program guidelines, and closed to the public from 1:30 p.m. to 5:00 p.m., April 29, and from 9:00 a.m. to 5:00 p.m., April 30, 1974, to review, discuss, evaluate, and rank grant applications and contract proposals in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code for grants and contracts and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301, 496-5676, will furnish a summary of the meeting and a roster of committee members.

Program information may be obtained from Dr. George J. Cosmides, Executive Secretary, Westwood Building, Room 9A03, Telephone: 301, 496-7707.

(Catalog of Federal Domestic Assistance Program No. 13.335, General Medical Sciences-Research Grants)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4661 Filed 2-27-74;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, April 17, 1974, 1:00 p.m., Yolano Lodge, Davis, California. This meeting will be open to the public from 1:00 p.m. to 2:00 p.m. for the reading of minutes and discussing a national plan for rhesus monkey supply. The meeting will be closed to the public from 2:00 p.m. to adjournment, for the review and evaluation of an application is accordance with provisions set forth in section 552(b)4 of Title 5 U.S. Code for grants and section 10(d) of Pub. L. 92-463. Attendance by the public is limited to space available.

The Science and Health Reports Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545.

The Executive Secretary from whom substantive information may be obtained is Dr. William Goodwin, Building 31, Room 5B30, Bethesda, Maryland 20014, 496-5451.

(Catalog of Federal Domestic Assistance Program No. 13.309, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4646 Filed 2-27-74;8:45 am]

SUBCOMMITTEE ON CARCINOGENESIS AND PREVENTION OF THE NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on Carcinogenesis and Prevention of the National Cancer Advisory Board, National Cancer Institute, March 17, 1974, 3:00 p.m., National Institutes of Health, Building 31, C Wing, Conference Room 7. This meeting will be open to the public from 3:00 p.m. to 3:30 p.m., March 17, 1974, to discuss any new policy considerations involving the National Cancer Program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 3:30 p.m. to adjournment, March 17, 1974, to review grant applications, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the

open/closed meeting and roster of committee members.

Dr. Thaddeus J. Domanski, Executive Secretary, Westwood Building, Room 850, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7801) will provide substantive program information.

Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4643 Filed 2-27-74; 8:45 am]

SUBCOMMITTEE ON DIAGNOSIS AND TREATMENT

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on Diagnosis and Treatment of the National Cancer Advisory Board, National Cancer Institute, March 17, 1974, 3:00 p.m., National Institutes of Health, Building 31, C Wing, Conference Room 8. This meeting will be open to the public from 3:00 p.m. to 3:30 p.m. March 17, 1974, to discuss any new policy considerations involving the National Cancer Program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 3:30 p.m. to adjournment, March 17, 1974, to review grant applications in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Mary A. Fink, Executive Secretary, Westwood Building, Room 854, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7615) will provide substantive program information.

Catalog of Federal Domestic Assistance Program Nos. 13.312, 13.314, 13.391, 13.392, National Institutes of Health.)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4642 Filed 2-27-74; 8:45 am]

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, April 4-5, 1974, 8:30 a.m. to 5:00 p.m., Bethesda, Maryland. This meeting will be open to the public from

8:30 a.m. to 9:30 a.m. on April 4th to discuss progress of 1974 activities and closed to the public from 9:30 a.m. to 5:00 p.m. on April 4th and from 8:30 a.m. to 5:00 p.m. on April 5th, to review research contract proposals in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-34, phone 496-5717 will furnish summaries of the meeting and roster of committee members. Dr. Donald Kayhoe, Executive Secretary of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A-23, phone 496-4733, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4653 Filed 2-27-74; 8:45 am]

TUMOR VIRUS DETECTION WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Tumor Virus Detection Working Group, National Cancer Institute, March 20, 1974, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., March 20, 1974, to discuss new approaches in tumor virus detection and closed to the public from 9:30 a.m. to 5:00 p.m., March 20, 1974, to review contracts in accordance with the provisions set forth in section 552 (b) 4 of Title 5 U.S. Code 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernard Talbot, Vice-Chairman, Building 37, Room 1B26, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6135) will provide substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: February 19, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-4660 Filed 2-27-74; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-74-219]

CONDOMINIUM AND OTHER CONSTRUCTION CONTRACTS

Guidelines

The Office of Interstate Land Sales Registration (OILSR) offers guidelines in re-emphasizing attention to the applicability of the federal land sales registration laws to the offer and sale of condominiums and other structures. The Preamble to OILSR regulations published on September 4, 1973 (38 FR 23866 et seq.) points out that condominiums are covered by the Act in that a condominium is equivalent to a subdivision, each unit being a lot.

George K. Bernstein, Administrator of the Office, reports that many condominium developers and trade associations have inquired concerning coverage of condominium developments in light of section 1403(a) (3) of the Interstate Land Sales Full Disclosure Act (Act). That section exempts from registration sales of existing buildings and sales of land under contracts obligating sellers to erect buildings on the land within two years.

The Act covers all lot sales regardless of type of construction or status thereof not exempt by reason of section 1403(a) (3) or because of the lack of jurisdiction. Builders are not automatically exempt from the Act by virtue of their primary occupations or the type of buildings they erect. It is only the growing popularity of condominiums that has highlighted attention to that type of ownership for both OILSR and the building industry.

While there has been little question about the operation of the statute as to existing buildings, considerable comment has been made concerning the applicability of the exemption to situations involving the two-year construction period.

For this exemption to be operative, each sale must be made under a contract obligating the seller to erect a building or condominium unit within a period of two years. However, if it appeared that this kind of contract were being used to give color of exemption in an effort to evade the Act, OILSR would clearly have a remedy in its injunctive authority. Also, prosecution would most likely be sought.

As a rule the two-year period is sufficient building time for the purpose of this exemption. However, OILSR being aware of the realities of condominium construction, especially high-rise construction, therefore issues these guidelines to set forth its position on what has become known as the builder's exemption.

The necessity of guidelines is further indicated by the different stages of sales efforts which trigger violations of section 1404. Section 1404(a) (1) makes it unlawful for a developer to sell lots when there is no compliance with the Act, and section 1404(a) (2) prohibits fraudulent

methods in selling or offering to sell. The statutory dichotomy pertaining to selling and offering has made determinations of the time a property report must be delivered difficult when reservation agreements are used.

The following sets out OILSR's position in connection with the four-faceted problem raised by this exemption: (a) Recognition of exculpatory conditions, (b) point at which a transaction constitutes a sale, (c) point from which the two-year period begins and (d) point at which the two-year period ends.

RECOGNITION OF EXCULPATORY CONDITIONS

Since the section 1403(a)(3) exemption is intended to cover builders, administration of the exemption to reflect customary industry practices (namely, provision to allow time extensions for acts of God, material shortages, etc.) is deemed permissible as a contract provision. OILSR will consider acceptable only those contract provisions which provide for delays of construction completion dates beyond the two-year period if such delays are caused by conditions which would be legally supportable in the jurisdiction where the building is being erected as impossible of performance for reasons beyond the control of the developer.

POINT AT WHICH TRANSACTION CONSTITUTES A SALE

Any transaction for consideration whereby a purchaser is obligated to acquire a building or a condominium unit directly or indirectly is a sale. However, much condominium construction in particular, especially high-rise construction, is preceded by pre-sale activity to gauge market feasibility and to provide a preliminary basis for construction loan commitments. For the purposes of condominiums the following described situation, denoted by OILSR as a reservation, is not a sale: A reservation is a document by which a purchaser expresses an interest to buy into a condominium at some time in the future. A deposit may be accepted from the purchaser provided that it is placed in escrow with an independent institution having trust powers and is refundable at any time at the purchaser's option. In all cases a reservation must require a subsequent affirmative action by the purchaser to create his obligation; typically, this action would be the execution of a formal contract of sale.

In no event may a document purporting to be a HUD Property Report be delivered to an interested party at the time of the execution of the reservation for a condominium unit in an unregistered development. Also, no document purporting to be a preliminary or final state subdivision report or offering statement specified in 24 CFR 1710.26 may be delivered to an interested party at the time of the execution of the reservation for a condominium unit in an unregistered development, unless that document contains a sufficient disclaimer to the effect that it has not been accepted by HUD. OILSR considers actions which

violate the above provisions to be in violation of section 1404(a)(2)(C) of the Act.

POINT FROM WHICH THE TWO-YEAR PERIOD BEGINS

If the presale activity takes the form of the reservation described above, the two-year period does not begin to run until a contract of sale containing the obligation to erect the unit is signed by the purchaser.

POINT AT WHICH THE TWO-YEAR PERIOD ENDS

This aspect refers to the stage of construction a unit must be expected to reach for the contract to qualify as obligating the seller to erect within a period of two years. For primary residence condominiums in metropolitan areas a unit is required to be ready for occupancy; i.e., physically habitable.

This requisite is not unlike that presently embodied in the American Institute of Architects definition of the Date of Substantial Completion (as set forth in AIA Document A201), viz., " * * * when construction is sufficiently complete * * * so that the owner may occupy the work or designated portion thereof for the use for which it is intended."

In the case of sales of condominiums in which the promotion of the common facilities is the primary inducement to purchase, the obligation to complete the common facilities is deemed an integral part of the condominium, and the expected completion of those facilities must be concomitant with the expected completion of the condominium unit.

Issued this 22nd day of February 1974, at Washington, D.C.

GEORGE K. BERNSTEIN,
Interstate Land
Sales Administrator.

[FR Doc. 74-4770 Filed 2-27-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 7428]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 2, 1973 to January 9, 1974 (List No. 1-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 59, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

The Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, no longer manufactures certain lifeboat winches and Approval Nos. 160.015/78/0 and 160.015/79/2 were therefore terminated effective October 3, 1973.

LIFEBOATS

The Lane Lifeboat & Davit Corporation, 150 Sullivan Street, Brooklyn, New York 11231, Approval No. 160.035/91/3 expired and was terminated effective October 2, 1973.

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

The GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval Nos. 162.017/91/0 and 162.017/92/0 expired and were terminated effective January 9, 1974.

Dated: February 25, 1974.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc. 74-4745 Filed 2-27-74; 8:45 am]

[CGD 74-27]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 4, 1973 to December 26, 1973 (List No. 24-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.024/2/2, Kilgore's dwg. Nos. MS-11 dated October 18, 1973; MS-2 dated October 18, 1973; MS-3-G dated March 20, 1973; BP-4270-1-1 dated August 10, 1973 (Two Sheets); BP-4215-1-1 dated April 17, 1973; AP-4216-1-1 dated April 17, 1973; AP-4217-1-1 dated April 18, 1973 and AP-4269-1-1 dated August 8, 1973, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 5, 1973. (It supersedes Approval No. 160.024/2/1 dated February 18, 1969.)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS FOR MERCHANT VESSELS

Approval No. 160.028/9/0, Kilgore Marine Signal Pistol, Model A, assembly dwg. No. MSP-1, Rev. 1 dated January 28, 1953, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 5, 1973. (It is an extension of Approval No. 160.028/9/0 dated February 18, 1969.)

Approval No. 160.028/10/1, Kilgore's drawing Nos. BP-4159-1-1 dated January 13, 1972; AP-4086-1-1 to AP-4092-1-1 dated April 27, 1972; AP-4094-1-1 dated April 13, 1971; AP-4096-1-1 dated December 22, 1971; AP-7890-1-1 dated March 1, 1973; AP-7891-1-1 dated March 6, 1973; BP-4083-1-1 dated September 2, 1971; BP-4161-1-1 dated January 14, 1972; CP-4095-1-1 dated May 14, 1971; BP-4098-1-1 dated October 22, 1971 and CP-4099-1-1 dated December 30, 1971, may be plated, unplated, or painted black for finish, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 5, 1973. (It supersedes Approval No. 160.028/10/0 dated February 18, 1969.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/170/1, mechanical davit, straight boom sheath screw, Type 6500; approved for a maximum working load of 7,000 pounds per set (3,500 pounds per arm), using 2-part or 6-part falls; identified by general arrangement drawing DA-9084, Revision A dated December 18, 1965 and drawing

list dated November 13, 1973, manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective December 4, 1973. (It supersedes Approval No. 160.032/170/0 dated May 11, 1971 to show change of design.)

Approval No. 160.032/181/1, mechanical davit, steel straight boom-sheath screw, Type 22-31, MK III; approved for a maximum working load of 9,300 pounds per set (4,650 pounds per arm); identified by general arrangement dwg. DB-111R dated April 9, 1968, and drawing list GA-DB-111R dated October 31, 1968, manufactured by Marine Safety Equipment Corporation, Farmingdale, New Jersey 07727, effective December 4, 1973. (It supersedes Approval No. 160.032/181/0 dated December 10, 1968 to show change of load and minor design changes.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/61/0, Rottmer type releasing gear, approved for maximum working load of 9,466 pounds per hook, identified by disengaging apparatus dwg. No. 500-111, Rev. B dated December 4, 1973 and drawing list MDA-500-111 dated November 26, 1973, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective December 19, 1973. (It supersedes Approval No. 160.033/61/0 dated December 4, 1973 to show change in working load and drawing format.)

LIFEBOATS

Approval No. 160.035/174/3, 22.0' x 7.5' x 3.17' steel, motor-propelled, Class 1 lifeboat, 28-person capacity, identified by general arrangement dwg. No. 22-2B, Rev. E dated November 20, 1973, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—3,760 pounds; Condition "B"—9,765 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective December 7, 1973. (It reinstates and supersedes Approval No. 160.035/174/2 terminated January 22, 1968.)

Approval No. 160.035/428/2, 24.0' x 8.0' x 3.58' fibrous glass reinforced plastic (FRP) motor-propelled Class 1, lifeboat, 37-person capacity identified by construction and arrangement dwg. No. WBA-9029 Rev. "C" dated December 14, 1973, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—3,690 pounds; Condition "B"—10,707 pounds, manufactured by Welin Davit and Boat Division, Lake Shore, Inc., 3614 Kennedy Road, So. Plainfield, New Jersey 07080, effective December 19, 1973. (It supersedes Approval No. 160.035/428/1 dated June 4, 1973 to show change in construction.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/9/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A and U.S.C.G. Specification Subpart 160.053, Type V PFD, manufactured by The Safeguard Corporation, Box 14037, P.O. Annex, Cin-

cinnati, Ohio 45214, for Safety First Supply Corporation, 526 Island Avenue, McKees Rocks, Pennsylvania 15136, effective December 4, 1973. (It is an extension of Approval No. 160.053/9/0 dated February 18, 1969.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/507/0, adult small, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/507/0 dated August 10, 1973 to show change in Model Number.)

Approval No. 160.064/508/0, adult medium, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/508/0 dated August 10, 1973 to show change in Model Number.)

Approval No. 160.064/509/0, adult large, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/509/0 dated August 10, 1973 to show change in Model Number.)

Approval No. 160.064/510/0, adult X-large, Model No. LLJ-1, cloth covered unicellular plastic foam and kapok "Racing Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 179, Type II PFD, manufactured by Life Line Racing Jackets, 3533 Oceanview Boulevard, Glendale, California 91208, effective December 4, 1973. (It supersedes Approval No. 160.064/510/0 dated August 10, 1973 to show change in Model Number.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/1/1, supervised automatic fire detecting and manual fire alarm system consisting of a control unit (dwgs. 55-120, Alt. 4 and 55-121, Alt. 5); manual fire alarm boxes, Types I and II (dwg. 55-111-1, Alt. 3), and engine room gong (dwg. 20-163, Alt. 12), this system requires both 115-volt, 60-cycle, A.C. and 115-volt, D.C. input supply, the A.C. supply must come from the ship's temporary emergency A.C. Bus (as opposed to a temporary emergency AC/DC Bus), the 115-volt, D.C. source should be suitable for the power failure alarm, manufactured by Henschel Corporation, Amesbury, Massachusetts 01913, effective Decem-

ber 26, 1973. (It supersedes Approval No. 161.002/1/1 dated January 31, 1969 to show minor changes.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/58/0, telephone station identification panel, 2-circuit, manual reset, splashproof, dwg. No. 28-02, Alt. 0 dated June 16, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/58/0 dated January 3, 1969.)

Approval No. 161.005/59/0, telephone station identification panel, 3-circuit, manual reset, splashproof, dwg. No. 28-03, Alt. 0 dated June 23, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/59/0 dated January 3, 1969.)

Approval No. 161.005/60/0, sound-powered telephone station, selective ringing, common talking, 11 stations maximum, nonwatertight, with self-contained hand generator bell, Model SHD, bulkhead mounting, dwg. No. 57-01, Alt. 0 dated July 2, 1958, for use in officer's quarters and radio room, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/60/0 dated January 3, 1969.)

Approval No. 161.005/61/0, telephone station identification panel, single-circuit, manual reset, splashproof, dwg. No. 28-01, Alt. 0 dated June 11, 1958, for use with sound-powered telephone stations to identify visually the station called, manufactured by Hose-McCann Telephone Company, Inc., 524 W. 23rd Street, New York, New York 10011, effective December 18, 1973. (It is an extension of Approval No. 161.005/61/0 dated January 3, 1969.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/5/5, No. 1918 waterproof flashlight, Type I, size 2 (2-cell), identified by assembly dwg. No. 3F-1833-E dated May 4, 1964, and revised October 30, 1973, each flashlight shall be plainly marked with the name of the manufacturer and the above model number, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, New Jersey 07011, effective December 13, 1973. (It supersedes Approval No. 161.008/5/4 dated March 22, 1972, to show plan updating.)

Approval No. 161.008/6/5, No. 1925 waterproof flashlight, Type I, size 3 (3-cell), identified by assembly dwg. No. 3-F1833-E dated May 4, 1964, and revised October 30, 1973, each flashlight shall be plainly marked with the name of the manufacturer and the above model number, manufactured by Bright

Star Industries, 600 Getty Avenue, Clifton, New Jersey 07011, effective December 13, 1973. (It supersedes Approval No. 161.008/6/4 dated March 22, 1972, to show plan updating.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/68/1, figure No. 240, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85-5-5-5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 240-A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Division, Hayward Manufacturing Company, Inc., 700 Fairmount Avenue, Elizabeth, New Jersey 07207, formerly Mechanical Marine Company, Inc., effective December 19, 1973. (It is an extension of Approval No. 162.017/68/1 dated January 3, 1969 and change of name and address of manufacturer.)

Approval No. 162.017/70/1, figure No. 260, pressure only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron bronze 85-5-5-5 (B62, Grade 4A) or stainless steel (Type 304) bodies, dwg. No. 260-A, Alt. 1 dated January 20, 1959, approved for 4" size, manufactured by Mechanical Marine Division, Hayward Manufacturing Company, Inc., 900 Fairmount Avenue, Elizabeth, New Jersey 07207, formerly Mechanical Marine Company, Inc., effective December 19, 1973. (It is an extension of Approval No. 162.017/70/1 dated January 3, 1969 and change of name and address of manufacturer.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/105/0, Bendix Model B175-43 backfire flame arrester, manufactured by Bendix Corporation, Fuel Devices Division, 696 Hart Avenue, Detroit, Michigan 48214, effective December 13, 1973. (It is an extension of Approval No. 162.041/105/0, dated January 28, 1969.)

Dated: February 25, 1974.

W. F. REA III,
Rear Admiral, U.S. Coast
Guard, Chief, Office of Mer-
chant Marine Safety.

[FR Doc.74-4746 Filed 2-27-74;8:45]

Federal Railroad Administration
[Docket No. RST-1, Waiver Petition
No. 17-1, and 17-2]

PENN CENTRAL TRANSPORTATION CO. Final Report and Order

This is the final report and order on the petition of Penn Central Transportation Company (Penn Central) (Docket No. RST-1, Waiver Petition No. 17) requesting temporary waiver of the Federal Railroad Administration Track Safety Standards for Track Geometry (49 CFR 213.51-63) and Crossties (49 CFR 213.109) with respect to 6,901 miles of its track. The proceeding also involves

the petitions of the States of Maryland (Docket No. RST-1, Waiver Pet. No. 17-1) and Delaware (No. 17-2) requesting similar relief with respect to the involved track of Penn Central within those States.

On October 10, 1973, Penn Central petitioned the Federal Railroad Administration (FRA) requesting a temporary waiver of compliance with these parts of the Track Safety Standards which were to be effective on October 16, 1973. The petition covered 6,901 miles of substandard track which, as of the filing of the petition, did not meet the minimal requirements for Class I track,¹ and the waiver was requested through December 1974.

Following a public notice on October 13, 1973, FRA held a hearing on October 16, 1973 on Penn Central's request for an interim waiver until the matter could be fully considered. The FRA issued its preliminary findings and interim order on October 16, 1973 (38 FR 29241), granting a limited interim waiver subject to nine terms and conditions until the final order could be issued in this proceeding.

Further hearings were held on October 23, and November 29, 1973. A second interim order was issued on October 29, 1973, to clarify certain matters pertaining to the transportation of hazardous materials over the track subject to the petition (38 FR 30018).

Penn Central did not petition for relief from the track standards until the week before the regulations were to be effective. In addition, the day of the hearing at 12:01 a.m., Penn Central ceased operations over 2789.9 miles of road track listed in its petition, apparently to avoid operation in violation of the regulations. Service was restored later in the day of October 16, 1973, following the issuance of the first interim order. The record later developed that certain track, including some of the track over which Penn Central had ceased operations, were not in fact in violation of the track standards. The FRA inspections of the non-yard track in the petition, a total of 127 lines totaling 3563.5 miles, showed that 14 lines, 11 percent of the total, were in fact in compliance with the track standards.

The Penn Central petition identified the types of track included in the 6,901 miles of substandard track. There are 3,636.5 miles of road track located outside of yards (including main line, branch, secondary and passing siding) and 3,274.6 miles of yard track (including running-connecting, industrial and other yard). The petition estimated a cost of over \$49 million to bring this track into compliance including \$21.5 million for the road track and \$27.2 million for all the yard track. The largest single cost estimate was \$23 million for other yard track.

¹FC has submitted additional documents indicating that some track has been brought into compliance since the filing of their petition as a result of the carriers maintenance program and in compliance with the interim order in this proceeding.

The Track Safety Standards were issued by FRA on October 15, 1971 (36 FR 20036). The first part of these standards became effective October 16, 1972, the final part on October 16, 1973. These regulations were issued pursuant to the Federal Railroad Safety Act of 1970 (45 U.S.C. 421). The purpose of that Act is "to promote safety in all areas of rail operations and to reduce railroad related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials." (45 U.S.C. 421)

The Track Safety regulations promulgated by FRA, prescribe requirements for the gage, alignment, and track surface and set forth the minimum requirements for cross-ties, ballast, track assembly fittings and the physical condition of rails. The track standards provide requirements for various classes of track and set maximum allowable operating speeds for each class. Class I track is the lowest classification of track and the operating speed over it is restricted to 10 m.p.h. for freight trains and 15 m.p.h. for passenger trains. It was recognized that it would take some time for carriers to perform the necessary maintenance required to comply with certain of the regulations, accordingly, FRA delayed the final effective date of the regulations for two years from initial publication. Penn Central thus had two years notice before the regulations here involved were to become effective.

Penn Central contends that it should be granted a waiver of compliance with the Track Safety Standards through 1974. Penn Central alleges that: (1) having already deferred routine maintenance due to a weak cash position, enforced compliance with the regulations, even assuming the cash resources, would divert work crews from performing key maintenance on critical main lines; (2) a critical shortage of cross-ties and switch timbers makes it nearly impossible to timely secure the materials needed to perform upgrading of noncomplying track; and (3) any program of compliance must be viewed in light of the overall normalized maintenance needs and not to "patch and fill" solely to meet the minimum Track Safety Standards.

Penn Central further contends that due to a shortage of money, men and material if the waiver is not granted it would have no alternative but to shut-down operating over the subject track. According to Penn Central such a cessation would have adverse economic effects in many of the areas now served by this railroad.

These economic considerations are discussed in greater detail below. It should be noted, however, that the record establishes that in the calendar years from 1971 through 1973 the Penn Central has expended between \$220 and \$250 million per annum for maintenance, and the evidence in the record indicates that the actual benefits received per maintenance dollar are below the industry mean. It is evident also that Penn Central elected to allocate its maintenance budget in these

years primarily to its high density routes and did not provide for compliance with the track standards for all of its track.

Although the waiver was requested until December 31, 1974, Penn Central did not propose to bring its substandard track into compliance with the standards by that date. Penn Central originally proposed only that the waiver be granted through 1974 without any program for restoration of the substandard track. On requested relief through 1974, Penn Central also indicated that legislative action could have a material impact on this proceeding. Since the hearings in this case, legislation has been enacted concerning the restructuring of the railroads in the midwest and northeast region (Regional Rail Reorganization Act of 1973, Pub. L. 93-236). While this legislation will affect the structure and form of the railroads in the region, it is not a basis for delaying the required restoration of the track in question to the minimum safety requirements of the track standards.

Also submitting evidence in this proceeding were representatives of State governments, Congressmen, shippers, and labor. Although not always in direct agreement with Penn Central, all representatives agreed that cessation of Penn Central's operations was not a desirable alternative to compliance with the Track Safety Standards, and the evidence submitted by these representatives generally supported Penn Central's petition for waiver. In addition, the States of Maryland and Delaware submitted separate petitions for waiver for all Penn Central substandard track within the States.

Penn Central's petition covers a total of 6,901 miles of substandard track. Of that total, 1,643.3 miles was identified as track that is or would be included in an abandonment program before the Interstate Commerce Commission (ICC). The 1,643.3 miles of track constituted part of the 2,789.9 miles of track on which operations were halted by Penn Central on October 16, 1973. Certain testimony at the October 16 hearing raised the issue of a 'de facto' abandonment, without ICC's approval, now being possible as a result of FRA Track Safety Standards. Indeed, testimony at further hearings has raised the spectre of 'de facto' abandonment as a possible deliberate tactic of railroad management.

ICC has jurisdiction over economic regulation (49 U.S.C. 1) while FRA's concern is safety of rail operations. However, in addressing the issue of safety, questions of economics will invariably arise. The carrier may be reluctant to improve a line to meet minimum safety standards due to economic reasons, and indeed, as in the instant petition, may have already advocated abandonment of that line as economically unprofitable. Nonetheless, as long as there remains an obligation to provide service over that line, there remains an obligation to provide safe service and that line must come within the purview of FRA safety regulations. In addition, FRA standards aside, it could be argued that the ICC permit to operate also contains an implicit directive to operate safely. Safety, in this

analysis, is viewed as a fundamental component of the economic operation of the railroad. If a carrier determines that it cannot meet the minimum safety regulations, and as a result of that determination decides to cease operations over a substandard line, whether the carrier has violated ICC regulations by abandoning the line "de facto" is a matter of separate determination by the ICC.² All considered, then, any request for waiver from safety standards must be evaluated, as much as practicably possible, without regard to profitability of a line where proposed abandonment status is given as grounds for waiver or where the carrier seeks to give such line a low restoration priority.

Penn Central, in its petition and in testimony, points out that there are 1,643.3 miles of track which are included in an abandonment program. However, there are only approximately 1,000 miles covered by actual abandonment application, either before the Reorganization Court or ICC, all other being only proposed by Penn Central. Notwithstanding this treatment of track proposed for abandonment, it should be made clear that the FRA is not the proper forum to consider economic, marketing, or commercial impact of lines proposed for abandonment except as this data may concern the determination of the public safety interest as required by the Railroad Safety Act.

Penn Central also contends that the substandard track cannot be treated apart from other track on its 15,000 mile core insofar as a schedule of restoration is concerned. It further contends that it would be uneconomic to restore to minimum track standards only the substandard track to the detriment of critical main lines. Yet Penn Central's petition only covered 6,901 miles of track and it is only that track which can be considered by this opinion. In addition, since the obligation to operation and operate safely remains, the 6,901 miles of track must be brought into compliance with at least Class I minimum safety standards, economic arguments aside.

Since the testimony and evidence received in this proceeding was unanimously in favor of not interrupting rail service, and since Penn Central has testified that refusal to grant the waiver would, indeed, result in an interruption of service, it is obviously in the public interest to grant Penn Central's request for waiver. The major questions left, then, concern the time frame and the conditions for safe operations pending the restoration of the substandard track to minimum standards.

As required by the First Interim Order, Penn Central submitted to FRA a plan for the restoration of track identified in the petition to Class I standards.

² In a statement (Exhibit 30) submitted at the November 29 hearing the ICC reached a similar conclusion. Speaking of the possibility of 'de facto' abandonments, it said "If any abuses appear to exist, the [Interstate Commerce] Commission intends to seek injunctive relief to force restoration of needed service. . . ."

The plan called for the restoration of all track in the 15,000 mile core to a point which would require only normalized maintenance after restoration. Such a program would take eight years to accomplish at a cost of \$2.9 billion for the 15,000 miles. At the hearing on November 29, 1973, it was announced that this plan was not responsive to FRA's order and Penn Central was requested to revise its plan. In the event no plan was received or in the event any revised plan should prove likewise unsatisfactory, FRA would use its own expertise and the comments of other parties to involve a plan.

Penn Central did submit a revised plan. However, this plan called for restoration of all substandard road track (mainline, branch, secondary, and passing siding) in 5½ years. It left unchanged the Penn Central estimate of eight years for yard track. There was nothing appearing in the plan to indicate what change, if any, there would be in cost. It was also unclear whether the 5½ year program envisaged bringing substandard track up to the minimum safety standards (as required by the Interim Order) or something higher (the basic presumption of Penn Central's first plan): Some indication of Penn Central's approach to this can be received when yard track, and track restored subsequent to the petition, is subtracted from the total trackage. When these computations are performed, Penn Central is suggesting that it will take 5½ years to perform work on approximately 3,500 miles of road track or about 53 miles per month. However, using Penn Central's own figures as to number of ties and feet of track surfacing required for road track, and using an average of 300 ties and 3,000 feet of track surfacing per gang day, it appears that all road track could adequately be restored within one year (150 working days), utilizing 20 tie gangs and eight surfacing gangs.

The FRA inspection of the substandard road track, 127 individual lines amounting to 3,563.5 miles, showed that 14 lines were in fact in compliance with the track standards and others needed only minimal maintenance work to be brought into compliance.

In addition, FRA inspections reveal (Exhibit 35) that only 57.4 percent of the ties and 24.8 percent of track surfacing estimated by Penn Central would be required to repair the 127 lines which were all of the non-yard track in the petition. Applying these findings, repairs could be performed in one working season or 8½ months by 12 tie gangs and 2 surfacing gangs. In its inspection of yard tracks, FRA found that 66 percent of the ties and 94 percent of the surfacing estimated by Penn Central was actually needed.

Applying the percentages for both road track and yard track to the total work required in the petition and using Penn Central's own estimates of unit cost, the cost of compliance with minimum Federal standards would be approximately \$28.5 million not the original Penn Cen-

tral estimate of a cost of \$49 million. Thus, the cost of compliance would be less than 20 percent of Penn Central's annual expenditures for maintenance of about \$250 million and will involve only a reallocation of a part of the carriers present maintenance budget.

Penn Central has requested in its petition that future non-complying track, i.e., track which may not now be out of compliance, but which may in the future fall out of compliance, be subject to the waiver. In short, Penn Central is requesting that some unidentified track, at unknown locations, at some unspecified point in the future be exempted in advance. To grant this request would be both unwise and illegal. The Federal Railroad Safety Act mandates that waivers may issue only when the requisite findings of public interest and railroad safety have been made. To issue an advance waiver would mean that such findings with regard to that unknown track has been made. Obviously, this is impossible. The issuance of such a waiver would, in effect, exempt the entire Penn Central System or any part thereof, a course the FRA has no intent to follow. Penn Central always retains the right to petition separately should additional trackage fall out of compliance.

The States of Maryland and Delaware have submitted sub-petitions in this proceeding. Both sub-petitions concern the trackage of Penn Central in the respective states and both petitions request a waiver of FRA Safety Standards as relief. Since the requested relief has been granted by this order the sub-petitions are in fact also granted.

The union representative also raised an issue in this proceeding concerning the effect of granting a waiver on any legal action by an employee or other person arising out of an accident where there was alleged a violation of the track safety standards. It was requested that the FRA make it clear that granting this waiver did not have the effect of permitting the Penn Central to claim the waiver as a legal defense in any action in which the track standards may be an issue.

This waiver does not permanently exempt Penn Central from the requirements of those parts of the track standards involved in this case. The track standards are in effect and remain requirements for all carriers including Penn Central. However, this waiver permits Penn Central to operate over the substandard tracks for a limited period of time subject to the terms and conditions of the waiver while the track is being restored. It is not the intent of this waiver to in any way lessen the requirements of the track standards.

Also submitted in this proceeding was a request for clarification or modification of the first interim order made by the National Railroad Passenger Corporation (Amtrak). This request concerned certain track used by Amtrak's Cincinnati to Chicago passenger route. It should be emphasized that the main Amtrak issue of this proceeding is that adequate provision be made for the safety of rail

passenger operations. This issue is addressed in the waiver. However, this proceeding is not the forum to resolve Amtrak's contractual and legal rights to require Penn Central to provide a specified level of utility of its tracks or a specified route for Amtrak operations.

A. WAIVER

For the reasons set forth above, the Penn Central Transportation Company is hereby granted a temporary waiver from FRA Track Safety Standards for Track Geometry and Crossties, subject to the General Terms and Conditions of Part C of this waiver. This waiver is granted upon condition that the program of restoration required by Part B of this waiver is undertaken and pursued. The waiver is subject to revocation at any time if the schedule of restoration required under Part B is not completed. Penn Central is also authorized to move cars carrying commodities covered by the Hazardous Materials Regulations in 49 CFR Parts 170-189, over track identified in the petition that does not comply with Class I standards, subject to the Special Terms and Conditions of Part D of this waiver.

B. PROGRAM OF RESTORATION

1. All track in this petition over which passenger trains are operated and all road track classified in this petition as mainline, and all road track (other than running-connecting, industrial, and other yard track), actually handling over 10 million gross tons per annum shall be restored to compliance with at least FRA Class I standards within 90 days of the effective date of this waiver.

2. All road track (other than running-connecting, industrial and other yard track) handling less than 10 million gross tons per annum shall be brought into compliance with at least FRA Class I standards no later than December 31, 1974.

3. All yard track identified as running-connecting and industrial shall be brought into compliance with at least FRA Class I standards no later than June 30, 1975.

4. All other yard track shall be brought into compliance with at least FRA Class I standards no later than December 31, 1975.

5. No later than April 15, 1974, Penn Central shall furnish to FRA a schedule of restoration based on the program outlined in the above paragraphs of this part of the waiver. The schedule of restoration shall provide for sufficient work to be programmed and completed each month so that all of the substandard track can be brought into compliance by the dates specified in the waiver.

6. Beginning on May 1, 1974, and continuing monthly after that date, Penn Central shall submit a report of work completed and in progress on track subject to this waiver. Such report shall contain date and location of work completed or in progress materials used, size of gang, and if not completed, percentage of completion.

C. GENERAL TERMS AND CONDITIONS

1. Penn Central shall inspect daily all track not complying with Class I standards classified in the petition as mainline and other classifications of track hauling more than 10 million gross ton miles per year (not including yard track); Penn Central shall inspect weekly all track located in yards in which annual throughput exceeds 100,000 cars per annum, and shall inspect all other non-complying track weekly or prior to train movement if there is less than one train per week operated over those lines.

2. Operating speed on all track that does not comply with Class I standards is restricted to a maximum of 8 miles per hour for mainline, secondary, branch and passing siding track, and to 6 miles per hour for yard, industrial and running connection tracks.

3. No trains in revenue passenger service shall be operated over any track that does not comply with Class I standards. Any track not meeting Class I standard which is adjacent to track over which passenger trains are operated shall be taken out of service and all movement on such adjacent track stopped no less than ½ hour prior to the scheduled passage of any passenger train. After stopping movement, Penn Central shall inspect to assure that the track over which the passenger train is moving is clear, and will complete such inspection in sufficient time to permit flagging of any moving passenger train prior to the time such passenger train would reach the adjacent track. Adjacent track may return to service when passage of passenger train is verified.

4. All derailments occurring on track covered by this petition are to be reported weekly to FRA irrespective of injury or estimated dollar damage.

5. Penn Central may add any other operating restrictions, including the prohibition of all operations, if deemed necessary for safe operations, and shall take special care to assure that employees subject to their supervision are informed of the provisions of this waiver.

6. Operations may be conducted pursuant to the provisions of 49 CFR 213.11 providing for continuous supervision of track.

D. SPECIAL TERMS & CONDITIONS (HAZARDOUS MATERIALS)

1. Placarded cars transporting a hazardous commodity shall be routed over track that complies with the track safety standards, including track of another railroad, to minimize mileage of operation over substandard track that does not comply with Class I standards. This is to be done regardless of the number of additional movement miles which might be required over track which complies with the track safety standards. The movement of hazardous materials shall be made over the physical route which provides the least total movement miles over the substandard track. In no case may a car loaded with hazardous materials be moved if the shipper requires a route which will increase the

total movement of that car over substandard track when compared with any alternate route.

2. Daily or prior to each movement over track that does not comply with Class I standards, a person designated under 49 CFR 213.7(a) must inspect that track and certify in writing his opinion that the track is safe for movement of hazardous materials at the maximum allowable operating speed of 8 or 6 m.p.h., as the case may be under clause (c) (2) of this waiver.

3. A car whose total weight, when loaded with a hazardous material, is more than 263,000 pounds, may not be operated over track that does not comply with Class I standards unless:

(a) The movement does not exceed 6 m.p.h.,

(b) The track is inspected immediately prior to each movement and certified in writing safe for the intended movement, and

(c) All movements on adjacent tracks are stopped until the passage of placarded cars is completed.

4. Each movement must comply in all other respects with all terms and conditions of this order.

5. The Associate Administrator for Safety is authorized to issue special approvals and impose additional conditions for all other movements of hazardous materials upon request. A request must set forth the nature of the relief requested, the circumstances of the intended movement, and describe any additional operating restrictions considered necessary for safe transportation.

This waiver will supersede all prior orders issued in this matter and will become effective in ten (10) days. Until that date, all prior orders remain in effect.

This order has the effect of regulation and in the event of any noncompliance with the provisions of this waiver or in the event of any failure to adhere to the schedule of restoration as required by Part B of this waiver, the FRA may revoke the waiver, or invoke the penalty provisions of (45 U.S.C. 438), or both.

D. W. BENNETT,
Hearing Officer Chief Counsel,
Federal Railroad Administration.

FEBRUARY 25, 1974.

[FR Doc.74-4747 Filed 2-27-74; 8:45 am]

National Highway Traffic Safety Administration**LOWER CONTROL ARM—FORD MOTOR COMPANY VEHICLES****Public Proceedings: Defects Investigation and Determinations**

The public proceeding in the above matter announced by notice published in the FEDERAL REGISTER on February 7, 1974 (39 FR 4943), will be held on March 20, 1974, rather than February 20, 1974, as originally scheduled. Requests for an extension have been received from the Center for Auto Safety and the Insurance Institute for Highway Safety. The

address and time of the proceeding remain the same: Room 6200, 400 Seventh Street, S.W., Washington, D.C., at 10:00 a.m. Persons wishing to make oral presentation should notify the agency by the close of business (4:15 p.m.) on March 18, 1974.

(Sec. 112, 113, Pub. L. 89-563, 80 Stat. 716 (15 U.S.C. 1401, 1402); delegation of authority at 49 CFR 1.51)

Issued on February 22, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-4768 Filed 2-25-74; 4:05 pm]

[Docket No. EX74-1; Notice 1]

STUTZ MOTOR CAR OF AMERICA, INC.**Petition for Temporary Exemption**

Stutz Motor Car of America, Inc. of New York City has applied for a temporary exemption from Motor Vehicle Safety Standard No. 215 *Exterior Protection*, on the basis that compliance would cause it substantial economic hardship.

Stutz manufactured 26 passenger cars in 1973. It requests an exemption from Standard No. 215 for three years. In support of its petition Stutz states that in its opinion it

"... is in compliance with the standard except the possibility of not being able to open the hood after impact due to the possibility of the brass radiator shell jamming the hood or hood release in a closed position. It believes that all other safety related components such as lights, door opening, trunk opening, exhaust system and cooling system will remain in conformity with the standard".

Petitioner submits a list of components that would have to be modified to meet the standard and states that "the cost to modify the automobile would exceed all the funds the Company has". Further, such a modification might add sufficient weight to the vehicle that it would require recertification by EPA. Although the company had total assets of approximately \$1,000,000 at the end of 1973, it suffered a loss of over \$110,000 for the second half of last year. It plans to conform by December 31, 1976 using the funds generated by sales between now and then to "implement the necessary styling and design requirements". As the Stutz is basically a conversion of a Pontiac Grand Prix, petitioner could not determine the extent of its compliance problems with Standard No. 215 until it took actual delivery of the redesigned 1973 Grand Prix, and reengineered its car around it.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Stutz Motor Car described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, S.W.,

Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the *FEDERAL REGISTER* pursuant to the authority indicated below.

Comment closing date: April 1, 1974.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on February 25, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-4769 Filed 2-27-74; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission has issued Facility Operating License No. DPR-49 to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative authorizing operation of the Duane Arnold Energy Center in accordance with the provisions of the license and the Technical Specifications. The steady state reactor core power levels authorized by the license shall not exceed 1658 megawatts thermal. The Duane Arnold Energy Center is a boiling water nuclear reactor located at the licensee's site near Palo in Linn County, Iowa.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on June 21, 2010.

A copy of (1) Facility Operating License No. DPR-49, complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated March 13, 1973; (3) the Directorate of Licensing's Safety Evaluation, dated January 1973; (4) Supplement No. 1 to the Safety Evaluation, dated March 2, 1973; (5) Supplement No. 2 to the Safety Evaluation, dated April 9, 1973; (6) Supplement No. 3 to the Safety Evaluation,

dated February 20, 1974; (7) the Final Safety Analysis Report and amendments thereto; (8) the applicants' Environmental Report, dated April 1971, revised November 1971, and supplements thereto; (9) the Draft Environmental Statement, dated November 1972; and (10) the Final Environmental Statement, dated March 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of the license and the Safety Evaluation and Supplements thereto may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 22nd day of February, 1974.

For the Atomic Energy Commission.

RAYMOND R. POWELL,
Acting Chief, Light Water Re-
actors Projects Branch 1-2,
Directorate of Licensing.

[FR Doc.74-4754 Filed 2-27-74; 8:45 am]

[Docket Nos. 50-275 OL, 50-323 OL]

PACIFIC GAS AND ELECTRIC CO.

Notice of Special Prehearing Conference

In the matter of Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2).

By date of December 14, 1973, and January 25, 1974, the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene, issued two memorandum and order (as well as a notice of hearing on issuance of facility operating licenses), which ruled that the following petitioners are admitted as parties to this proceeding:

1. The State of California Public Utilities Commission (California);
2. Scenic Shoreline Preservation Conference, Inc., (Scenic Shoreline);
3. Elizabeth E. Apfelberg and Sandra A. Silver, as individuals and representing San Luis Obispo Mothers For Peace (Mothers); and
4. John J. Forster and Lonnie Valentine, as individuals and representing Ecology Action Club of California Polytechnic State University, San Luis Obispo (Ecology Action).

In accordance with 10 CFR 2.751a, a special prehearing conference will be held on March 26, 1974, at 10:00 a.m., local time, at the Gold Room, The Royal Inn, 214 Madonna Road, San Luis Obispo, California. The purpose of the conference is to:

- (1) Permit identification of the key issues in the proceeding;
- (2) Take any steps necessary for further identification of the issues; and
- (3) In accordance with (1) and (2) the Board will hear additional information concerning the contentions in order to rule on each contention in its Order issued subsequent to the prehearing conference.

(4) The parties will also be requested to state what interests they have in discovery, if any.

(5) Establish a schedule for further actions in the proceeding including but not limited to either direct or telephone conferences.

The public is welcome to attend the prehearing conference. No limited appearance statements will be accepted until the evidentiary hearing at a later date. Limited appearance statements at that time will be limited to five (5) minutes but 20 copies of written material may be submitted without limitation in length for inclusion in the record.

It is so ordered.

Issued at Washington, D.C., this 25th day of February 1974.

The Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.74-4069 Filed 2-27-74; 8:45 am]

[Docket Nos. 50-448 and 50-449]

POTOMAC ELECTRIC POWER CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
William C. Farler, Member

Dated: February 22, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-4755 Filed 2-27-74; 8:45 am]

[Construction Permit Nos. CPPR-77-CPPR-78]

VIRGINIA ELECTRIC AND POWER CO.

Notice and Order for Evidentiary Hearing

In the matter of Virginia Electric and Power Co. (North Anna Power Station Units 1 and 2) construction permit Nos. CPPR-77, CPPR-78.

Take Notice, and it is Hereby Ordered in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Atomic Energy Commission that an Evidentiary Hearing in the above-captioned proceeding shall convene at 10:00 a.m. local time on Wednesday, March 20, 1974, in Circuit Courtroom, Louisa County Courthouse, Louisa, Virginia 23093.

At a Prehearing Conference called by this Board, held on February 11, 1974, in Fredericksburg, Virginia, a schedule for this proceeding, including the first day of Evidentiary session, was agreed to by the parties and approved by the Board. In accordance with said schedule all persons having filed a request for limited appearance will be afforded an opportunity to place their comments and views into the record commencing at 9:30 a.m., March 21, 1974, the second day of the hearing. In order to conserve time, the

Board will accept written comments for the record from such participants in lieu of oral comments or in supplement of such oral comments.

The following general agenda will be followed.

- (1) Preliminary matters by the Board.
 - (2) Preliminary matters by parties.
 - (3) Consideration of stipulations, if any.
 - (4) Opening statements of parties.
 - (5) Limited appearances—commencing on March 21, 1974.
 - (6) Introduction of testimony.
 - (7) Questioning of witnesses by Board members.
 - (8) Closing matters.
- It is so ordered.*

Issued at Washington D.C., this 25th day of February 1974.

ATOMIC SAFETY AND LICENSING BOARD,

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-4756 Filed 2-27-74; 8:45 am]

[Docket No. 50-460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Application for Construction Permit and Facility License and Availability of Applicant's Environmental Report

Washington Public Power Supply System (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 18, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on July 16, 1973. Following a preliminary review for completeness, the application was rejected on August 20, 1973, for lack of sufficient information. The applicant submitted additional information on October 1, 1973, and the application was found to be acceptable for docketing. Docket No. 50-460 has been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the WPPSS Nuclear Project No. 1, is located on the applicant's site in Benton County, Washington, and is designed for initial operation at approximately 3619 megawatts thermal, and a net electrical output of approximately 1206 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 19, 1974. The request should be filed in connection with Docket No. 50-460-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated October 15, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 14th day of December, 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors,
Branch 2-3, Directorate of
Licensing.

[FR Doc.73-27005 Filed 12-20-73; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280, 25513; Order 74-2-91]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of February 1974.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements adopted at the Singapore

Traffic Conferences, and by mail vote, have been assigned the above-designated C.A.B. agreement numbers.

By Order 74-2-50 dated February 14, 1974, the Board established procedural dates for the submission of carrier justification and comments of interested persons on an IATA agreement which would increase passenger fares and cargo rates in various world areas by seven percent across-the-board because of continued escalation in the price of fuel.

The instant agreements would have the effect of applying this proposed fuel-related increase to other world areas. Passenger fares intended for application on or after March 15, 1974, would be increased by seven percent across-the-board for travel within Asia/Australasia, between Europe and Asia, and over the North/Central and South Pacific. For travel to and from Japan the increase would be 3 percent on all first-class and economy fares and seven percent on all promotional fares while the amount of increase on travel to the Western Hemisphere commencing in Australia would be held to a maximum of three percent. The above fare increases are proposed to remain in effect through March 31, 1975.

Cargo rates within Asia/Australasia, between Europe and Asia and over the North/Central and South Pacific routes would be increased by seven percent across-the-board and intended for application on all rates on or after March 1, 1974. Rates for cargo originating in Australia would be held to a maximum increase of three percent. These increases are proposed to remain in effect through September 30, 1975.

The purpose of this order is to establish procedures for the receipt of justification by the carriers and comments of interested persons in the interest of a prompt disposition of the agreement. Accordingly, all U.S. carrier members of IATA are directed to file within seven days of the date of this order, full economic justification in support of the agreement, including past, present and future identifiable contractual fuel costs. We also expect the carriers to provide profit and loss statements, both with and without the proposed increases, based on the present fares/rates and those proposed for 1974.

The Board would welcome comments from the foreign-flag carriers as well, which, along with those of other interested persons, should likewise be submitted within seven days from the date of this order.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association shall file within seven calendar days of this order full documentation and economic justification in support of the proposed fare and rate increases embodied in the subject agreements; and

2. Comments and/or objections from interested persons shall be submitted within seven days after the date of this order.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-4758 Filed 2-27-74; 8:45 am]

[Docket Nos. 26057, 26075; Order 74-2-84]

ALITALIA, ET AL.

Order Approving Agreement of Joint Application

Issued under delegated authority February 21, 1974.

By Order 73-11-34, November 8, 1973, the Board authorized United States and foreign-flag air carriers providing international scheduled air services to and from the United States to engage in discussions looking toward agreements on schedule adjustments, capacity limitation, and consolidation of operations in foreign air transportation.

Pursuant to that order, discussions have been held, *inter alia*, among the air carriers of the United States and Italy which provide scheduled services between these two countries. Such discussions were held on December 14, 1973 in Washington, D.C.¹ As a result of such discussions, an agreement on frequency reductions in several United States-Italy city-pair markets has been reached.

Under the agreement, the carriers propose to revise their scheduled frequency levels per week in the scheduled nonstop and one-stop service between the U.S. and Italy as follows: In the New York-Milan market, TWA and Alitalia will each reduce their current nonstop round trip weekly schedules from seven to five; in the Boston-Rome market, Alitalia will reduce its current nonstop round trip weekly schedules from three to two, and Pan American will discontinue all three of its current nonstop round trip flights; and in the Chicago-Milan market, Alitalia will reduce its current nonstop round trip weekly schedules from four to three.² Additionally, in the New York-Rome market, Pan American, while maintaining its current round trip weekly schedules of seven nonstop and seven one-stop flights, will substitute wide-body aircraft for narrow-body aircraft on its one-stop flight schedules on the Paris-Rome segment of its New York-Rome service.

The agreement further provides that the carriers may operate extra sections for operational reasons or unusual demand. Wide-body equipment may be substituted for narrow-body equipment for operational reasons on an irregular and infrequent basis.³

By its terms, the agreement provides that the specified service alterations would be implemented subject to prior Board approval on January 7, 1974 and

terminated on March 31, 1974. In the event of a cessation or curtailment of service by any of the parties resulting from a labor dispute or other cause beyond the control of that party, the limitations of the agreement will be suspended during the period of such cessation or curtailment.

In addition to seeking approval of the agreement, the carriers request a waiver of the recent amendment to the Board's Procedural Regulations, PR 138, which would otherwise require 21 days for answers to the application. Also the carriers request an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, and all regulations enacted in pursuance thereof, to the extent necessary to permit implementation of the agreement without 10 days' prior notice to the Postmaster General.

No comments in opposition to Agreement CAB 24164 have been filed.

In support of their requests, the carriers state that the agreements provide for service reductions which are compelled by the shortage of fuel, and that each of the three agreement carriers is experiencing shortages of fuel now, and anticipates continued shortages through the 1973/1974 winter provided for in this agreement.⁴ The applicants state that the agreement provides for significant savings in fuel consumption;⁵ for a better pattern of services for the traveling public than might result from uncoordinated cutbacks by insuring that each market will retain as much as is reasonably possible under the circumstances;⁶ and for better adjustment of the reduced fuel utilization levels to the needs of the traveling public.

The air transportation industry is still faced with a critical shortage of fuel. As a result, Pan American, TWA, and Alitalia must cut back on the fuel consumption.

² Alitalia's reduction of four nonstop round trips between the U.S. and Europe will also result in the "pull-down" of four one-stop round trips as follows: Two between New York and Rome, from seven to five; one between Philadelphia and Rome, discontinuing the service; and one between Chicago and Rome, from four to three. Pan American's reduction of three nonstop round trips between Boston and Rome will also result in the "pull-down" of three one-stop, round trips between Philadelphia and Rome. However, Pan American proposes to add five weekly round trips between Philadelphia and New York.

⁴ The carriers state that as a result of variations in fuel availability among the various suppliers, and in different localities, and in view of the fact that shortages exist on both sides of the Atlantic, actual operations may well be below the 1972 level.

⁵ The carriers estimate that Pan American will save a net amount of 42,713 gallons per week; TWA will save 61,200 gallons per week; and Alitalia will save 175,300 gallons per week.

⁶ The carriers estimate the seat load factors on nonstop flights will increase as a result of the agreements as follows: New York-Milan, from 39 percent to 55 percent; Boston-Rome, from 27 percent to 41 percent; Chicago-Milan, from 25 percent to 33 percent; Boston-Milan nonstop service will remain the same at 53 percent.

tion on international services. In order to meet the cutback levels, the carriers must make fuel-saving adjustments to their schedules. The Board is concerned that reduction in capacity solely as a result of unilateral schedule adjustments may result in cutbacks necessitated by the fuel situation in a manner which does not, under the circumstances, provide the best practicable service to the public. The Board believes that reductions in capacity pursuant to carrier agreements, which are carefully monitored by the Board, will help to provide the public with optimum service. Such agreements can provide the means by which available capacity is operated under schedules that provide the public with the most convenient service practicable under the circumstances, and, in the Board's view, will best serve the public interest.⁷

Based on the foregoing, it is concluded that the agreement (CAB 24164) among Pan American, TWA, and Alitalia with respect to the scheduled service between the United States and Italy should be approved subject to certain conditions. The service proposed in this agreement reasonably satisfies the needs of the traveling public as well as saving large amounts of fuel. The United States-Italy market is characterized by a multiplicity of frequencies which have experienced low load factors in the past, and, under the agreement, are estimated by the carriers to result generally in substantial load factor increases.⁸ Under these circumstances the traveling public will continue to receive an adequate frequency of service and the carrier will be a step closer toward reaching their available fuel levels.⁹

The Board has repeatedly stated that the transfer of freed capacity to non-agreement markets will not be tolerated.¹⁰ Moreover, in accordance with our prior orders, and in order to effectively monitor the implementation of this agreement jurisdiction will be retained, pursuant to section 412 of the Act, for the purpose of modifying, amending or revoking our approval of the agreement at any future date. Furthermore, each party to the agreement will be required separately to report within 15 days after the end of each month any schedule changes in the U.S.-Italy markets during the term of the agreement (see Appendix A.)¹¹

Consideration has been given to the implication of the proposed agreement

¹ Order 74-1-111, January 23, 1974.

² See footnote 7 *supra*.

³ Likewise, it does not appear that our action here will significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act, since the carriers will have to reduce their schedules in any event because of the fuel shortage. Our action herein merely helps to insure that such reductions will be accomplished in a rational manner.

⁴ American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., Order 73-10-110, *supra*.

⁵ Such reports will enable the Board to analyze such schedule change(s) to insure that freed capacity is not being unnecessarily shifted to non-agreement markets.

¹ A transcript of the meeting in Washington, D.C. has been filed with the Board in Dockets 26057 and 26075 as required by Order 73-11-34.

² Extra sections of flights and substitutions of equipment are not to be published, advertised, or otherwise held out to the public.

on Pan American's and TWA's employees. For the reasons detailed at length in Order 73-12-32, December 7, 1973, which are equally applicable herein, it is concluded that the public interest does not require the imposition of any labor protective conditions.

It is further found that enforcement of section 405(b) of the Act, requiring 10 days' notice of schedule changes to the Postmaster General, would be an undue burden upon the air carrier applicants by reason of the limited extent of, and unusual circumstances affecting their operations and is not in the public interest, particularly in light of the inability of the air carriers to procure fuel. In view of the fact that more than 21 days have elapsed since the filing of the application herein on January 10, 1974, applicant's request for waiver of the Board's Procedural Regulations, PR-138,¹² allowing 21 days for answer to the application, will be dismissed as moot.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the capacity reduction agreement discussed herein is not adverse to the public interest nor in violation of the Act and should be approved subject to the conditions stated herein; that the air carriers' request for an exemption from the provisions of section 405(b) of the Act and any regulations made pursuant thereto, should be approved to the extent necessary to permit the filing of schedules on less than 10 days' notice to the Postmaster General and to the Board; and that the applicant carriers' request for waiver of the Board's Procedural Regulations PR-138 should be dismissed.¹³

Accordingly, it is ordered, That:

1. Agreement CAB 24164 be and it hereby is approved pursuant to section 412 of the Act, subject to the following conditions:

(a) Jurisdiction shall be retained to modify, amend or revoke approval at any time, or take whatever other action may be deemed appropriate;

(b) Schedule deletions resulting pursuant to the agreement herein approved which occur at any of the controlled high-density airports¹⁴ and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72-11-72, shall not be refilled by the carriers by the Airline Scheduling Committees: *Provided, however*, That slots originally vacated may be reinstated in the same agreement

market by the vacating carrier to the extent such carrier vacates another flight (at the same airport) which operates plus or minus three hours of the flight to be reinstated;¹⁵

(c) Any schedule changes resulting pursuant to the agreement herein approved shall be reported to the Board within 15 days after the end of each month in accordance with the format of Appendix A;¹⁶ copies of such reports shall be provided to all carriers requesting them;

2. Within 28 days hereafter, each carrier shall file within the Board's Docket Section, and shall provide to each carrier requesting one, a report containing the following additional data for the United States-Italy markets herein:

a. Seats operated in 1972/1973 (November through April).

b. Passengers carried in 1972/1973.

c. Forecast passengers in 1973/1974.

d. Projected seats in 1973/1974.

e. Equipment type to be operated in the market.

f. Calculations in developing fuel savings for this market.

¹² Order 73-12-32, supra.

¹³ As previously required of TWA and Pan American by Order 73-10-110, (as amended by Order 73-12-32) supra; and by Orders 74-1-34, and 74-1-111, supra, the air carriers shall separately file with the Board's Docket Section a report stating, on a system-wide basis, average seat miles operated per gallon of fuel used, by type of equipment and shall maintain records, subject to inspection by the Board or by such other persons as the Board may authorize, detailing the fuel used each month, throughout its system, on a city-pair and flight-by-flight basis (including charter operations).

g. 1972/1973 fuel use by month for the system of each carrier.

h. 1972/1973 fuel use by month in the agreement market.

3. Pan American and TWA be and they hereby are relieved from the provisions of section 405(b) of the Act, and from all regulations enacted in pursuance thereof, to the extent necessary to permit the implementation of the subject modifications without 10 days' prior notice to the Postmaster General;

4. The request of the applicants for waiver of the recent amendment to the Board's Procedural Regulation PR-138, which would otherwise permit 21 days for answers to this application, be and it hereby is dismissed; and

5. Copies of the order shall be served on the Departments of Defense, Justice and Transportation; the U.S. Postal Service; the Port Authority of New York and New Jersey; Massachusetts Port Authority; City of Chicago, Department of Aviation; City of Philadelphia, Department of Commerce, Director of Aviation, and all certificated route and supplemental air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude such effectiveness.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

	Type of equipment				
	2-engine	3-engine narrow body	4-engine narrow body	3-engine wide body	4-engine wide body
Agreement market(s)					
Miles scheduled weekly in preceding general schedule filed with CAB. Changes contained in this general schedule.... Miles scheduled weekly in this general schedule.					
Nonagreement market(s)					
Miles scheduled weekly in preceding general schedule filed with CAB. Changes contained in this general schedule.... Miles scheduled weekly in this general schedule.					

[FR Doc.74-4601 Filed 2-27-74;8:45 am]

[Docket No. 26350]

SITMAR CRUISES, INC.

Notice of Reassignment of Hearing Regarding Foreign Air Carrier Permit; Indirect Foreign Air Transportation of Persons and Baggage

The hearing in this proceeding, heretofore assigned to be held before Administrative Law Judge Greer M. Murphy on March 5, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington,

D.C. (39 FR 4940, February 8, 1974), is hereby reassigned to be held before Administrative Law Judge Milton H. Shapiro at the same time and place. Future communications concerning the proceeding should be addressed to Judge Shapiro.

Dated at Washington, D.C., February 22, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-4760 Filed 2-27-74;8:45 am]

¹² Rule 1608, Part 302.

¹³ It is further found, pursuant to 14 CFR 385.6, that the action taken herein is governed by prior Board precedent and policy, and that immediate action is required in light of the fuel shortage. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

¹⁴ Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport, and La Guardia Airport.

[Docket No. 26166]

TEXAS INTERNATIONAL AIRLINES, INC.**Notice of Prehearing Conference Regarding Deletion of Big Spring, Texas**

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 27, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 13, 1974, and the other parties on or before March 21, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 25, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-4759 Filed 2-27-74; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FIRE HAZARDS ASSOCIATED WITH ELECTRICAL WIRING SYSTEMS UTILIZING ALUMINUM CONDUCTORS

Notice of Public Hearings

Notice is hereby given that a public hearing will be held on Wednesday and Thursday, March 27th and 28th, 1974, at 10 a.m. in the Department of Agriculture Auditorium, 14th St. & Independence Ave., NW., Washington, D.C., to discuss the safety aspects related to residential electrical wiring systems utilizing aluminum conductors. This includes aluminum wiring, connectors, terminal plates, and other current-carrying parts. A second public hearing on the same subject will be held at 10 a.m. on April 15th and 16th in Los Angeles, California, at the Los Angeles Convention Center, 1201 So. Figueroa and Pico Streets, Room 211.

These hearings will be held pursuant to section 27(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1227; (15 U.S.C. 2076(a))).

The Consumer Product Safety Commission is aware that numerous house fires have been ascribed to the use of aluminum conductors in branch circuits. The Commission has received information that indicates many of these fires have been caused as a result of overheated terminals involving aluminum wiring and a receptacle or switch. Further, it appears that the incidence of

dangerous overheating involving aluminum conductors is greater than for copper conductors.

The Commission believes, based on the reports it has received and on the potential dangers presented by overheated electrical connections, that consumers may be subjected to unreasonable risks of injury associated with aluminum conductors used in residential electrical wiring systems. In an effort to fully understand all dimensions of the problem, the Commission wants the views of the public as to (1) the consumer's perception of the problem and alternative solutions and (2) the relationship between the potential hazards of aluminum conductor connections and their design, construction, materials, technology, and similar factors.

The hearing will concern itself with:

(1) Aluminum wiring connections in residential electrical branch circuits including but not limited to 15-ampere and 20-ampere circuits.

(2) Aluminum conductor connections from service entrance to the branch circuits.

(3) Factors contributing to the performance of aluminum electrical connections in residences, including the wire (or conductor) materials and the types of connectors (wire-binding screw, push-in terminal, pressure wire connector, etc.).

(4) Environmental considerations.

(5) The standards covering methods, practices, and workmanship in the installation of aluminum conductors.

(6) The extent of reports concerning fire and overheating involving aluminum conductors in residential electric wiring.

(7) Any other pertinent information pertaining to aluminum conductor safety.

Equally important, information relevant to the following questions is also solicited:

(1) Information and Remedies for Residents. What factual information concerning the hazards and the remedies associated with aluminum conductors should be disseminated to owners and occupants of residences using such conductors? What costs should the consumer absorb to effect a given remedy?

(2) Replacement of Devices. Are the potential dangers such that certain wiring devices incorporating aluminum conductors should be replaced with newer, improved types of devices?

(3) New Methods and Materials. Are there measures (including codes, standards, materials, and installation practices) now employed in the use of aluminum conductor connections in residences which would permit continued installation of aluminum conductors without unreasonable risk to the consumer?

(4) Locations of Installations. How can installations incorporating suspect aluminum wiring connections be located and what is the estimate of the number of suspect installations?

Individual consumers, representatives of industry (including manufacturers of materials involved in conductor connec-

tions), testing laboratories, the scientific community, local and Federal government, consumer organizations, and other interested persons are invited to submit information on the issues raised in this notice and to attend the hearings. The views of individual consumers are particularly sought.

Anyone who wishes to attend the hearings should write or call Mr. R. D. Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 496-7197. Those who wish to make a formal presentation are requested to submit a copy or outline of their presentation and the amount of time requested for such presentation by March 20 for the hearing in D.C. and April 1 for the hearing in L.A. Persons unable to attend the hearings but who wish to present written comments for the Commission's consideration are invited to do so. Written material should be accompanied by a summary of not more than 250 words. All comments should be received by Mr. Early no later than the close of business March 20 for the hearing in Washington, D.C., and April 1 for the hearing in Los Angeles.

In the event that the space available for the hearings cannot accommodate all who wish to attend, admission will be determined according to the date on which the request for attendance is received.

Dated: February 22, 1974.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.74-4664 Filed 2-27-74; 8:45 am]

SAFETY SPECIFICATIONS FOR BICYCLES

Notice of Meeting

Notice is given that a meeting will be held on Tuesday, March 5, 1974, at 10 a.m., in room 235, 5401 Westbard Avenue, Bethesda, Md., between members of the Bicycle Manufacturers Association Committee and staff of the Consumer Product Safety Commission, Bureau of Engineering Sciences, to discuss bicycle specifications in regard to regulations the Commission contemplates promulgating to ban hazardous bicycles intended for use by children and to establish safety requirements for certain bicycles intended for use by children under 16 years of age.

Persons interested in attending the meeting are requested to contact Mr. Russ Smith, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 496-7197).

Dated: February 25, 1974.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.74-4743 Filed 2-27-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MINNESOTA AIR QUALITY IMPLEMENTATION PLAN

Notice of Postponement of Public Hearing

On February 4, 1974 (39 FR 4503), notice was given that a public hearing under section 110(f) of the Clean Air Act would be held on March 26, 1974, in Duluth, Minnesota, to consider the postponement of applicable requirements of the State of Minnesota Implementation Plan to Achieve and Maintain Air Quality Standards as applied to the kraft pulp and paper mill located in International Falls, Minnesota, owned and operated by the Boise Cascade Corporation. Notice is hereby given that the hearing will be held on April 2, 1974, beginning at 9:30 a.m. local time at the United States District Court, 515 West 1st Street, Duluth, Minnesota.

Dated: February 25, 1974.

ALAN G. KIRK III,
Assistant Administrator for
Enforcement and General Counsel.
[FR Doc.74-4783 Filed 2-27-74;8:45 am]

[OPP-32000/14]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

Correction

In FR Doc. 74-4270 appearing in the issue of February 25, 1974, the figure "9781" on page 7198, second column, 13th line from the top should read "9782".

[OPP-32000/17]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 29, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such

claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the sixty-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within sixty days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 29, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 3658-UU: The Dolphin Paint & Chemical Co., 922 Locust St., Toledo, Ohio 43603. No. 9143 Copper Bronze Bottom Paint. Active Ingredients: Copper as Metallic 28.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 779-OU, Faesy & Besthoff, Inc., 143 River Road, Edgewater, N.J. 07020. F&B Methoxychlor 50% Wettable Powder. Active Ingredients: Methoxychlor, technical 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1124-TO. Purex Corporation, 24600 South Main Street, Carson, California 90745. Franklin Sant-Turge 128. Active Ingredients: Octyl decyl dimethyl ammonium chloride 4.50%; Dioctyl dimethyl ammonium chloride 2.25%; Didecyl dimethyl ammonium chloride 2.25%; Tetrasodium ethylenediamine tetraacetate 2.40% Isopropyl alcohol 3.60%. Method of support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 201-GAT. Shell Chemical Company, Agricultural Division, Suite 300-1700 K Street, NW., Washington, D.C. 20006. Vender Miticide. Active Ingredients: Hexakis (beta,betadimethylphenethyl) - distannoxane 97%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 507-RI. Unit Chemical Corporation, 4161 Redwood Avenue, Los Angeles, California 90066. Surgikleen. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7885-GI. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park, New York 11040. Zoe Pine Cented Magic Bird Mist. Active Ingredients: Pyrethrins 0.090%; Technical Piperonyl Butoxide 0.180%; N-Octyl Bicycloheptene Dicarboximide 0.300%; Petroleum Distillates 0.430%; Triethylene Glycol 0.075%; Dipropylene Glycol 0.075%; Pine Oil 0.075%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7885-GO. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park, New York 11040. Zoe Hamster Spray Mist. Active Ingredients: Pyrethrins 0.045%; Technical Piperonyl Butoxide 0.090%; N-Octyl Bicycloheptene Dicarboximide 0.150%; Petroleum Distillates 0.215%; Propylene Glycol 0.075%; Triethylene Glycol 0.075%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7885-UN. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park, New York 11040. Zoe Gerbil and White Mice Spray Mist. Active Ingredients: Pyrethrins 0.045%; Technical Piperonyl Butoxide 0.090%; N-Octyl Bicycloheptene Dicarboximide 0.150%; Petroleum Distillates 0.215%; Propylene Glycol 0.075%; Triethylene Glycol 0.075%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: February 19, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-4394 Filed 2-27-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

HERTZ BROADCASTING AND JOHNSTON BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regards to applications of Hertz Broadcasting of Birmingham, Inc. (WENN and WENN-FM) Birmingham, Alabama, Docket No. 19874 File No. BR-2875 and BRH-2454; for renewal of license; Johnston Broadcasting Company (WJLD and WJLN(FM)) Birmingham, Alabama, Docket No. 19875 File No. BR-1174, BRH-328 and BRSCA-970 for renewal of license (Main and SCA).

1. The Commission designated the applications of Hertz Broadcasting of Birmingham, Inc. and Johnston Broadcasting Company (Johnston) for hearing by Order and Notice of Apparent Liability, FCC 73-1195 (38 FR 33322), published December 3, 1972. Presently before the Review Board is a petition to enlarge issues, filed December 18, 1973, by Johnston¹ requesting addition of an issue to permit the adduction of evidence relating to the meritorious programming and public service of its Station WJLD and WJLN(FM), Birmingham, Alabama, in order to mitigate six issues presently designated against it.²

¹Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's comments, filed January 4, 1974; and (b) reply, filed January 10, 1974, by Johnston.

²The issues are designed to determine in pertinent part:

(d) * * * whether the principals of Johnston bribed, coerced, paid or offered to pay a party to the proceeding or anyone else any consideration for filing with the Commission any complaint.

(f) * * * whether the broadcast of certain announcements included advertisements for, or information concerning, a lottery.

(g) * * * whether Johnston broadcast an advertisement or information concerning a lottery in violation of Title 18 U.S.C. Section 1304 (1964).

(r) * * * all the facts and circumstances surrounding the applicant's procedures for maintaining program logs and ensuring that proper sponsorship identification announcements are made.

(s) * * * whether Johnston violated Section 73.112 of the Commission's Rules concerning program logs.

(t) * * * whether Johnston has violated Section 317 of the Act or Section 73.119 of the Rules concerning sponsorship identification.

2. Johnston first notes that although the Commission has traditionally permitted an applicant to show all aspects of its record of performance in order to mitigate any adverse findings which may be made under basic qualification issues,³ this general rule has been modified in order to preclude a showing of meritorious programming to mitigate "issues involving a degree of moral turpitude."⁴ In this connection Johnston concedes that one of the six issues, the bribery issue, could be construed in its "worst light" as involving such a degree of culpability as to render it unmitigable; however, Johnston argues the issue does not necessarily encompass moral turpitude; thus, if the evidence shows that Johnston was (a) in no way responsible for the filing of the complaint, or (b) that Johnston assisted in the filing of the complaint which it reasonably and in good faith believed to be based upon facts, then meritorious programming should be allowed as a mitigating factor. With respect to all six issues in question, Johnston submits that the requested mitigation issue be construed as broad enough to allow evidence as to its meritorious public service, in addition to meritorious programming. Johnston admits that the Board rejected a similarly-drawn issue in *Action Radio, Inc.*, FCC 72R-373, 25 RR 2d 1174 (1972), primarily because the addition of such a "boundless" issue would enhance the potential for dilatory conduct in the proceeding. However, Johnston argues this approach runs counter to that of the court in *Citizens Communications Center v. FCC*, 145 U.S. App. 32, 447 F. 2d 1201 (1971), in which it was specifically stated that a licensee's service should be judged by the extent to which the profits of the broadcaster have been "reinvested" in service to the public both in programming and other forms of public service. In any event, Johnston asserts that it would be willing to accept reasonable limitations on the number of witnesses and amount of time allowed to introduce evidence which the Administrative Law Judge believes appropriate to the "proper dispatch of business".

3. The Bureau has no objection to the addition of the requested meritorious programming issue to allow mitigation of issues pertaining to program logging and sponsorship identification. With respect to the bribery issue, however, the Bureau points out that an adverse resolution of that issue would necessarily result in finding that Johnston committed acts involving moral turpitude; consequently, the issue could not be mitigated under the Commission's reasoning in *KFPW Broadcasting Co.*, *supra*. The two hypothetical resolutions suggested by Johnston would be tantamount to favorable resolution of the issue, the Bu-

reau continues, and therefore, any mitigation would be unnecessary. The Bureau opposes expanding the issue to allow a showing of meritorious public service, arguing that Johnston has not shown how non-programming evidence is relevant or material to mitigation of adverse findings under issues relating directly to the operation of a broadcast station. Finally, the Bureau is of the view that mitigation of issues involving alleged violations of lottery laws would be inappropriate. Thus, the Bureau argues that it has "serious reservations about permitting evidence of meritorious programming to mitigate an act prohibited by a criminal statute in the U.S. Code."⁵ In reply, Johnston reiterates its argument that it is possible for the bribery issue to result in findings which are adverse to Johnston, but which are, nonetheless, mitigable. Similarly, petitioner argues that the Commission could find that the alleged carriage of a lottery was the result of innocent failure to recognize certain copy as constituting a lottery.

4. The Review Board will grant Johnston's request for addition of a meritorious programming issue insofar as it relates to all but the existing bribery issue. The Commission has clearly stated that, in its view, bribery constitutes an act which necessarily involves moral turpitude; as a consequence, the Commission has determined that an unfavorable resolution of a bribery issue reflects so adversely on the integrity of an applicant that a grant of its application would be inappropriate no matter how meritorious its past programming has been.⁶ Thus, Johnston's fear that it could be prejudiced by adverse findings which fall short of moral turpitude under the issue can be readily allayed. In contrast, even though the running of a lottery may constitute a violation of the federal criminal code, the Board is of the view that such an act does not necessarily involve the degree of culpable conduct which renders consideration of past programming inappropriate. Thus, as Johnston notes, the act could well be the result of negligence or misunderstanding of the elements of a lottery. Finally, Johnston's reliance upon *Citizens Communications Center v. FCC*, *supra*, for the proposition that the requested meritorious programming issue should encompass meritorious public service is misplaced; rather than delimiting the scope of such an issue, the Court's language upon which petitioner relies is a general discussion of the possible ill effects which could flow from a hypothetical failure to recognize "superior performance" in the renewal process.⁷

³ 18 U.S.C. 1304 (1964).

⁴ See *KFPW Broadcasting Co.*, *supra*.

⁵ The language upon which Johnston relies reads as follows: " . . . if it is thus impossible for an incumbent to be reasonably confident of renewal when he renders superior performance, then an incumbent will be under an unfortunate temptation to lapse into mediocrity, to seek the protection of the crowd by eschewing the creative and the venturesome in programming and other forms of public service. 447 F. 2d at 1213. (Emphasis added)

Therefore, Johnston's request in this regard will be denied. See *Action Radio, Inc.*, *supra*; *The Jack Straw Memorial Foundation*, 26 FCC 2d 97, 20 RR 2d 492 (1970).

5. Accordingly, it is ordered, That the petition to enlarge issues, filed December 18, 1973, by Johnston Broadcasting Company, is granted to the extent indicated herein, and is denied in all other respects; and

6. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the past programming of stations WJLD and WJLN (FM) has been meritorious, particularly with regard to public service programs, so as to constitute a countervailing factor in the resolution of this case insofar as it relates to Issues (f), (g), (r), (s) and (t).

7. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on Johnston Broadcasting Company.

Adopted: February 20, 1974.

Released: February 22, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-4750 Filed 2-27-74;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01014----	Robert Bornhofen Reederel: <i>Coronado</i> .
01103----	Pocelton Schiffahrt G.m.b.H.: <i>Lo-hengrin, Transcanada</i> .
01143----	Panama Barge Co.: <i>Panama</i> .
01144----	Suez Barge Co.: <i>Suez</i> .
01153----	Atlas Levante-Linie G.m.b.H.: <i>Cap Carmel</i> .
01212----	A/S Selvaagbygg: <i>Bertha Brovig</i> .
01217----	Intercentekapet Gas Master: <i>Gas Master</i> .
01304----	Furness Withy & Company Limited: <i>Cufic, Tropic</i> .
01306----	Shaw Savill & Albion Company Limited: <i>Britannic, Majestic</i> .
01330----	Shell Tankers (U.K.) Ltd.: <i>Marisa, Murex</i> .
01340----	Compania Auxiliante de Naviga-tion: <i>Dalia</i> .
01354----	H. E. Hansen Tangen: <i>Sunrana</i> .
01421----	Bibby Line Limited: <i>Atlantic Bridge, Berkshire, Oxfordshire, Pacific Bridge, Wiltshire</i> .
01426----	Kuwait Shipping Company (S.A.K.): <i>Saltimah</i> .
01443----	Denholm Line Steamers Limited: <i>Mountpark</i> .
01465----	Scottish Ship Management Limited: <i>Temple Arch</i> .

³ Citing *Hall v. FCC*, 103 U.S. App. D.C. 248, 257 F. 2d 626 (1958).

⁴ Citing *KFPW Broadcasting Co.*, 40 FCC 2d 126, 26 RR 2d 1633 (1973); *Western Communications, Inc.*, 41 FCC 2d 581, 27 RR 2d 1286 (1973); *United Broadcasting Co. of Florida, Inc.*, 42 FCC 2d 502, 28 RR 2d 303 (1973).

Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
01549---	Strick Line Limited: <i>Nigaristan, Tabaristan.</i>	04420---	Navigazione Alta Italia S.P.A.: <i>Montello, Nai Drin.</i>	08431---	Etablissement Maritime Camille Vaduz/Liechtenstein: <i>Camitugoy.</i>
01567---	Marero Compania Naviera S.A.: <i>Captain Lemos.</i>	04462---	Empresa Nacional "Elcano" de la Marina Mercante S.A.: <i>Compostilla, Ribagorzana.</i>	08453---	A. Tarricone, Inc.: <i>Chitara.</i>
01641---	The Bank Line Limited: <i>Leverbank.</i>	04517---	Sanyo Gyogyo Kabushiki Kaisha: <i>Sanyo Maru 5.</i>	By the Commission.	
01718---	Stockholms Rederi AB-Svea: <i>Capella.</i>	04565---	Consolidated Navigation Corporation: <i>Constructor.</i>	FRANCIS C. HURNEY, Secretary.	
01871---	F. Scinicariello: <i>Pina.</i>	04703---	Yokkaichi Enyo Gyogyo K.K.: <i>Nanseimaru No. 17.</i>	[FR Doc. 74-4762 Filed 2-27-74; 8:45 am]	
01900---	Red Anchor Line Limited: <i>Isabel Erica, Nils Amelon.</i>	04783---	Destiny Tankers Limited: <i>Sea Griffin.</i>	CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)	
01991---	Malmros Rederi Akttebolag: <i>Crysal Sea, Paul Endacott, Pearl Sea.</i>	04794---	Sea King Corporation: <i>Grand Loyalty.</i>	Notice of Certificates Issued	
02197---	Matson Navigation Company: <i>Hawaiian Mororist.</i>	04885---	La Verendrye Line Ltd.: <i>Eaglescliffe Hall, Westcliffe Hall.</i>	Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.	
02198---	The Peninsular & Oriental Steam Navigation Company: <i>Noushera.</i>	04990---	Rederi M.S. "Arctic": <i>Arctic.</i>	Certificate No. Owner/Operator and Vessels	
02234---	Gulf Mississippi Marine Corporation: <i>Gulf Fleet 180, Gulf Fleet 181.</i>	05275---	Fluor Ocean Services, Inc.: <i>DB 3.</i>	01019---	Hagb. Waage: <i>Radny.</i>
02249---	Flisser & V. Doornum: <i>Martha Fisser.</i>	05281---	Slade Inc.: <i>H.T. Co. No. 29.</i>	01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: <i>Neptun.</i>
02319---	A/R Seljan: <i>Sveve.</i>	05290---	Ocean Transport Lines, Inc.: <i>Chilean Nitrate.</i>	01033---	Britain Steamship Company Limited: <i>Hampshire.</i>
02341---	Royal Netherlands S/S Co.: <i>Mara-thon, Simon.</i>	05345---	L. Figueiredo Navegacao S/S: <i>Sao Leopoldo, Sao Marcos.</i>	01055---	Farrell Lines Incorporated: <i>Austral Entente.</i>
02437---	(a) Alexander Shipping Co. Ltd.: <i>Tenbury.</i> (b) Houlder Brothers & Co. Ltd.: <i>Tenbury.</i>	05500---	Petroleos Mexicanos: <i>Salamanca.</i>	01072---	Kommanditselskapet AF 26.9.1966: <i>Heering Christel.</i>
02442---	Angfartygs Aktiebolaget Alfa: <i>Newbury, Rhuyg.</i>	05546---	Silver Crest Shipping Co. S.A.: <i>Panama: Silver Crest.</i>	01088---	Schulte & Bruns: <i>Doberg, Rams-gate.</i>
02458---	The China Navigation Co. Ltd.: <i>Kweichow, Kweilin.</i>	05584---	Oficina Naviera Commercial Ministerio de Marina: <i>Ilo.</i>	01103---	Poseldon Schiffahrt Gesellschaft Mit Beschränkter Haftung: <i>Achill.</i>
02488---	Regal Shipping Co., Inc., Panama: <i>Maritime King.</i>	05620---	Sociedad de Navegacion Albion S.A.: <i>Ekali.</i>	01106---	N.V. Stoomvaart-Maatschappij "Oostzee": <i>Aalsum.</i>
02519---	S. A. Louis Dreyfus & Cie: <i>Gerard L. D.</i>	05838---	Kabushiki Kaisha Ichimaru: <i>Shoyu Maru No. 8.</i>	01107---	N.V. Stoomvaart-Maatschappij "Oostzee" (Ouraca): <i>Begonia, Gardenia.</i>
02526---	Vespucio. Compania Armadora S.A.: <i>Invicta.</i>	05854---	Levin Metals Corporation: <i>DE 441.</i>	01113---	A/S J. Ludvig Mowinckels Rederi: <i>Ogna.</i>
02527---	Astromarine Corporation: <i>Asteri.</i>	05947---	Kabushiki-Kaisha Yamaguchi Ken Gyogyo Kosha: <i>Bochu Maru No. 3.</i>	01210---	A/S Brovigtank: <i>Bertha Brovig.</i>
02528---	Marfil Compania Naviera S.A.: <i>Cosmopolitan.</i>	06376---	Cia Herlac de Navegacion S.A.: <i>Kashima.</i>	01231---	Aktieselskapet Tonsbergs Haval-fangeri: <i>Brisk.</i>
02558---	American Condor Steamship Corp.: <i>Star.</i>	06384---	Mercury Shipping Co., Ltd.: <i>Mer-cury River, Mercury Sea.</i>	01306---	Shaw Savill & Albion Company Limited: <i>Canopic, Oedric, Ionic.</i>
02569---	Bournemouth Shipping Company, Limited: <i>Bournemouth.</i>	06564---	Alta Shipping Corporation: <i>Rion.</i>	01330---	Shell Tankers (U.K.) Limited: <i>Pomella.</i>
02820---	Sociedad Naviera Pan-Europea, S.A.: <i>Spring Water.</i>	06616---	Twin Shipping Corporation: <i>Twin Two.</i>	01334---	American President Lines, Ltd.: <i>President Johnson.</i>
02844---	Gloria Bahama, Ltd.: <i>Zenith.</i>	06722---	Cox Towing Corporation: <i>Wildcat.</i>	01425---	Johnston Warren Lines Limited: <i>Cusic, Tropic.</i>
02874---	West India Industries, Inc.: <i>Inagua Arrow, Inagua Rover.</i>	06773---	Kaga Gyogyo: <i>Kajinmaru No. 8.</i>	01426---	Kuwait Shipping Company (S.A.K.): <i>Ibn Khaldoon, Ali Salehtah.</i>
02890---	M & M Towing Company: <i>Debbie Lee.</i>	06853---	Shipping Company Knud I. Larsen: <i>Svend Sif.</i>	01513---	Rederiaktiebolaget Dalen: <i>Stove Transport.</i>
03216---	Rederiaktiebolaget Rex: <i>Biskopso.</i>	07025---	Norte Shipping Inc.: <i>Cap Norte.</i>	01547---	Costa Armatori S.P.A.: <i>Italia.</i>
03284---	The Indo China Steam Navigation Co. Ltd.: <i>Eastern Ranger, Eastern Rover.</i>	07315---	Shipping Company Mijrecht NV: <i>Mijrecht.</i>	01755---	Hugo Stines Zweigniederlassung Hamburg: <i>Monsum.</i>
03305---	Grand Bassa Tankers Inc.: <i>Cities Service Valley Forge.</i>	07324---	Voleqn Navigation Co. Ltd.: <i>At-ticos.</i>	01761---	Union Steam Ship Company of New Zealand Limited: <i>Union Wellington.</i>
03467---	Nichiro Gyogyo K.K.: <i>Akebono Maru No. 20, Kuroshio Maru No. 35.</i>	07523---	Harbert Construction Corpora-tion: <i>David Vickers.</i>	01805---	Suisse Atlantique Societe d'Arme-ment Maritime S.A.: <i>Corviglia.</i>
03492---	Sawayama Kisen K.K.: <i>Sanyo Maru.</i>	07529---	Cambridge Shipping Company Limited: <i>Shomron.</i>	01819---	King Line Limited: <i>King William.</i>
03501---	Osaka Shosen Mitsui Senpaku K.K.: <i>Matsudosan Maru.</i>	07558---	Sildarvinnsian H.F.: <i>Bjartur.</i>	01854---	Southern Towing Co.: <i>STC 2518B, STC 2509, STC 2019B, STC 2014.</i>
03532---	Zuisel Kaiun K.K.: <i>Tajima Maru.</i>	07562---	Begur Huginn H. F.: <i>Vestman-naey.</i>	01874---	A/S Sobral: <i>Nopal Verde, Nopal Branco.</i>
03606---	Intercontinental Carriers, Inc.: <i>Overseas Carrier.</i>	07563---	Miofell H.F.: <i>Pal Palsson.</i>	01935---	Partnership Between Steamship Company Svendborg Ltd. and Steamship Company of 1912 Ltd.: <i>Svendborg Maersk.</i>
03672---	Helena Marine Service, Inc.: <i>H.M.S. 105.</i>	07599---	Partenrederi M/T. "Frisla": <i>Ofrisa.</i>		
03696---	Graham Towing Company: <i>IMS-2005, IMS-2006.</i>	07934---	Ship Operators of Florida, Inc.: <i>Rosa.</i>		
03730---	Brown & Root, Inc.: <i>Bar 283.</i>	07942---	Solstad Rederi A/S: <i>Lloyd Copen-hague, Soldrott.</i>		
03754---	Carbonavi Societa' Per Azioni di Navigazione: <i>Alberto, Annalisa, Carolina, Drin, Gino, Giovanna Lolli-Ghetti, Guiseppina, Luisa, Mara, Marcus, Maria Amelia, Mey, Noemi, Silvana.</i>	07943---	Skips A/S Solhav & Co.: <i>Concordia Fonn.</i>		
04037---	C. F. Bean Inc.: <i>Barge No. 504, J. E. Jumonville, Mall Spud Barge No. 7.</i>	07958---	Matsuoka Co., Ltd.: <i>No. 105 Odae Yang.</i>		
04131---	Ocean Couriers, Inc.: <i>Avenger.</i>	08081---	Zapata Naess (Management) Lim-ited: <i>Anco Norness, Armand Hammer, Frances Hammer, Naess Courier, Naess Enterprise, Naess Leader, Naess Liberty, Naess Mariner, Naess Norseman, Naess Pride, Naess Ranger, Rus-sell H. Green, Stolt Dragon, Stolt Norness, Stolt Sydness, Trachodon.</i>		
04173---	Foss Launch & Tug Company: <i>Foss 265, Vanliner 275.</i>	08223---	Cotton Corporation: <i>MCL 790.</i>		
		08360---	Management Tankers Ltd.: <i>Liria.</i>		
		08390---	The Interlake Steamship Com-pany: <i>Walter E. Watson.</i>		

Certificate No. Owner/Operator and Vessels

01988--- Angfartygsaktiebolaget Tirfing: *Atland*.

01989--- Erik Thun Aktiebolag: *Thun-tank 1*.

02038--- Polskie Linie Oceaniczne: *Mieczyslaw Kalinowski*.

02128--- Ocean Gas Transport Limited: *Joule*.

02151--- Anchor Line Limited: *Cameronia*.

02152--- A. F. Klaveness & Co. A/S: *Stolt Surf*.

02194--- Compagnie Generale Transatlantique: *Pointe Madame*.

02234--- Gulf Mississippi Marine Corporation: *M.C.N. Oil Barge No. 3, Gulf Fleet 261*.

02249--- Fisser & V. Doorum: *Sunbaden*.

02256--- Sigurd Haavik A/S: *Bonzo*.

02330--- Oriental Shipping Corporation: *Stream Rudder, Stream Dolphin*.

02416--- Boland & Cornelius, Inc.: *Charles E. Wilson, Roger M. Kyes*.

02579--- Gadot Yam Ltd.: *Chemical Marketer*.

02585--- Koch Refining Company: *AOR 35*.

02602--- Fyffes Group Limited: *Darien, Davao*.

02715--- Allied Towing Corporation: *ATC-100*.

02844--- Gloria Bahama, Ltd.: *See Breeze II*.

02917--- Arya National Shipping Lines S.A.: *Arya Shad, Arya Sara*.

02826--- Refineria Panama S.A.: *Chepo, Sabanita, Chilibre*.

02935--- Cable and Wireless Limited: *Recorder*.

02961--- Kobe Kisen Kabushiki Kaisha: *Tatekawa Maru*.

02975--- Venture Shipping (Managers) Limited: *Magnificence Venture*.

02982--- The Shipping Corporation of India Ltd.: *Chanakya Jayanti*.

03214--- Salenrederierna Aktiebolag: *Snow Hill*.

03216--- Rederiaktiebolaget Rex: *Blido*.

02234--- Gulf Mississippi Marine Corporation: *Gulf Fleet 261*.

03389--- Shell Tankers B.V.: *Marinula*.

03391--- Societe Maritime Shell: *Leda, Murex*.

03413--- Baba-Daiko Shosen K.K.: *Mayasan Maru*.

03433--- Hiroumi Kisen Kabushiki Kaisha: *Japan Lily, Asia Maru*.

03436--- Iino Kaiun K.K.: *Shoho Maru*.

03441--- Japan Line K.K.: *World Comet, Saint Marcet, Vanguard*.

03451--- Kowa Shosen K.K.: *Japan Linden*.

03468--- Nihonkai Kisen Kabushiki Kaisha: *Honmoku Maru*.

03469--- Nihon Kaisha Kabushiki Kaisha: *Dainanoh-Maru*.

03474--- Nippon Suisan K.K.: *Zao Maru*.

03476--- Nissin Kisen K.K.: *Katei Maru*.

03506--- Taiheiyo Kaiun K.K.: *Showa Maru*.

03508--- Taiyo Gyogyo K.K.: *Orient Maru No. 1*.

03519--- Toko Shosen K.K.: *Amur Maru*.

03557--- Olsen Daughter A/S: *Fruen*.

03573--- A/S Laboremus, Oslo: *Niels Henrik Abel, Sigurd Jorsalfar*.

03600--- Bahamas Line, S.A.: *Atlantic Express*.

03730--- Brown & Root, Inc.: *BAR 343, BAR 344*.

03917--- Mobil Shipping Company Limited: *Mobil Libya*.

03918--- Mobil Shipping & Transportation Company: *Mobil Navigator*.

03968--- Zim Israel Navigation Co., Ltd.: *Narcis*.

03971--- Korea Shipping Corporation: *Crystal Reed*.

Certificate No. Owner/Operator and Vessels

04007--- Egon Oldendorff: *Ludolf Oldendorff, Elisabeth Oldendorff, Caroline Oldendorff, Gerdt Oldendorff, Maria Oldendorff*.

04011--- Haverton Shipping Limited: *Alisa*.

04037--- C. F. Bean, Inc.: *Bean No. 4, Bean No. 5, C. W. Bean*.

04099--- Waterways Marine of Memphis, Inc.: *B 1120*.

04126--- Jugoslavenska Linijaska Plovidba: *Drava*.

04172--- Eklof Marine Corp.: *E 22*.

04173--- Foss Launch & Tug Co.: *Foss 257*.

04276--- Rittow Straits Limited: *Alberni Carrier, Rittow Lion, Rittow Viking, Straits Traveller*.

04277--- C. W. Blakeslee & Sons Inc.: *Scow Weeks No. 6, C.W.B. 85-0142*.

04404--- Lar Rej Johannsen: *Jorika*.

04410--- Tenneco Oil Company: *GT-115, GT-121*.

04420--- Navigazione Alta Italia S.P.A.: *Nai Annalisa, Nai Marcus, Nai Gino, Nai Luisa, Nai Glucippina, Nai Shirana, Nai Alberto, Nai Mey, Nai Carolina, Nai Naomi*.

04424--- International Navigation Corporation: *Seattiger*.

04518--- Tokusui Kabushiki Kaisha: *Orient Maru No. 2*.

04531--- Mr. Elkhichi Shirato: *Kyoel Maru No. 18*.

04562--- Okada Kalun Kabushiki Kaisha: *Botany Bay Maru No. 1*.

04601--- American Tuna Boat Association: *Top Ware*.

04674--- Pescanova, S.A.: *Ponterredra*.

04803--- Brent Towing Company, Inc.: *Ponce, Arcadian 87, Arcadian 88, Arcadian 90, Arcadian 93, Arcadian 95, ETT-103, ETT-109, ETT-110, AC-4, AC-12, B-618, B-718, NBL-3, NBL-4*.

04834--- Tidewater Barge Lines, Inc.: *Humboldt, Captain Bob*.

04939--- Panocan Shipping & Terminals Limited: *Post Chaser*.

05092--- Esso Belgium S.A.: *Esso Liege, Esso Ghent*.

05199--- Prekooskanska Plovidba: *Boograd*.

05278--- Twin City Barge & Towing Co.: *TCB 301, TCB 302, TCB 75B*.

05288--- Evansville Materials Inc.: *Dredge No. 8*.

05383--- Lineas Pinillos: *Segre, Darro*.

05559--- Maryland Shipbuilding & Drydock Company: *North River*.

05577--- Far-Eastern Shipping Corporation: *Iran Syrykh*.

05578--- Baltic Shipping Company: *Bobruyskies*.

05580--- Kamchatka Shipping Company: *Chita*.

05624--- P. N. Pertambangan Minyak Dan Gas Bumi Negara (Pertamina): *Permina 51, Permina 52, Permina Samuda III*.

05684--- Epirotiki Steamship Company: *George Potamianes S.A.: Apollo II*.

05754--- A. E. Sorensen: *Peder Most*.

05792--- Korea Wonyang Fisheries Co., Ltd.: *No. 3 Korbee, No. 2 Korbee, Kwang Myong No. 72*.

05857--- Coral Marine Enterprise Panama Co. S.A.: *Dalci Maru No. 52*.

05947--- Kabushiki Kaisha Yamaguchi-Ken Gygyun Kosha: *Bochomaru No. 12*.

05951--- Surena Delmar Navegacion S.A.: *Panama: Eranthia*.

06165--- Soponata-Sociedade Portuguesa de Navio Tanques, Limitada: *Ortins Bettencourt, Marao, Montemuro*.

Certificate No. Owner/Operator and Vessels

06283--- Evergreen Line S.A.: *Ezer Fortune*.

06339--- Panocan Marine Products Company, Inc.: *Ocean Glory No. 1*.

06376--- Cia Heriac de Navegacion S.A.: *Hikara*.

06379--- New England Towing Company: *Globe No. 12, Erie*.

06389--- Sears Oil Co., Inc.: *Albany Sears*.

06393--- Tokumaru Kalun K.K.: *Kentoku Maru*.

06435--- Dampskibsselskabet Den Norske Afrika-Og Australielinie, Wilhelmsens Dampskibsselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: *Tombarra, Takachtho*.

06498--- Federal Steam Navigation Co., Ltd.: *Wild Fulmar*.

06566--- Occidental Petroleum Corporation: *Chet Roberts, NMS 1601*.

06743--- Contimar Betelligungs GmbH & Co. Schiffahrts KG: *Helga I*.

06775--- Whitco (Marine Services) Ltd.: *Temple Arch*.

06818--- Globus-Reederei GmbH, Hamburg: *S.A. Komatiland*.

06938--- Protrans Co., Inc.: *ETT 105*.

07255--- Teh Tung Steamship Co., Ltd.: *Kalimantan Trader, Kai Yuan*.

07348--- K/S A/S Sea-Team & Co.: *Seronia Team*.

07523--- Harbert Construction Corporation: *Three Rivers Lady*.

07550--- Erato Shipping Inc.: *Eastern Mary, World Commander, World Atlas*.

07717--- Mississippi Marine Transport Company: *MM-16, MM-15, MM-17, MM-18, MM-19*.

07786--- Holberg Scheepvaart en Handel Mij. B.V.: *Caricom I*.

07818--- Yick Fung Shipping and Enterprises Co., Ltd.: *Solomon Sea, Ligurian Sea, Norwegian Sea, Mirtoan Sea, Ionian Sea, Greenland Sea*.

07833--- Pyramid Ventures Group, Inc.: *Pyramid Veteran*.

07942--- Solstad Rederi A/S: *Sol Pemko, Solym*.

07943--- Ships A/S Solhav & Co.: *Soldrott, Lloyd Copenhagen, Solek, Sol Jean, Sol Laila*.

07861--- Marcon Limited: *Marson Cathy*.

07930--- Partederiet Proctor VI: *Pacific Proctor*.

07997--- Northbeach Steamship Co.: *Santa Elia*.

08131--- Empresa Navegacion Caribe: *5 de Septiembre, 7 de Noviembre, 9 de Abril, 10 de Octubre*.

08320--- Canadian Offshore Marine Limited: *Bretton Shore*.

08346--- Utah Towing, Inc.: *Utah*.

08358--- Baywater Company Limited: *Irvine Glen*.

08366--- Ferqueras Espanolas de Bacalao, S.A.: *Arriscado*.

08372--- Federa Shipping Company: *World Argus*.

08419--- Ferquera Vacco Gallega, S.A.: *Toralia*.

08481--- Riri Shipping Company Ltd.: *Anna M*.

08488--- Multinational Gas and Petrochemical Company: *Norfolk Multina*.

08507--- Thai Ocean Transportation Company Ltd.: *Slam*.

08511--- Mission Drilling & Exploration Corporation: *Mission Exploration*.

08541--- Pioneer Merchant Marine Inc.: *Pioneer Merchant*.

08558--- Celant Navigation S.A.: *Konpira*.

08572--- MS "Cape Charles" Shipping Co. S.A.: *Cape Charles*.

Certificate No. Owner/Operator and Vessels

08674---- Zenith Navigation S.A.: *Grand Zenith*.

08602---- Orellastar Shipping Company Limited: *Marisueria*.

08608---- Norfolk Multina Shipping Company: *Norfolk Multina*.

08619---- Associated Bulk Transport, Inc.: *Pacific Exporter*.

08620---- Banzai Navigation S.A.: *Asia Mariner*.

08625---- United States Metals Refining Company: *Henry G. Stott*.

08631---- San Salvador Maritime Co. Ltd.: *Seafarer*.

08635---- REA Shipping Company: *Hawk*.

08638---- North Gulf Shipping Co. Ltd.: *Atlantic Emperor*.

08642---- Shinwa Steamship Co., (H.K.) Ltd.: *Golden Prince, Asia Success*.

08643---- Cape Navigation S.A.: *Cape Soya*.

08644---- "Inanna" Shipping Company Inc.: *Inanna*.

08645---- Coastal Towing, Inc., Springhill: *Coastal 2503, Coastal 2504, Coastal 2615, Coastal 2650, Coastal 2000B, Coastal 3381, Coastal 3581*.

08646---- Andeco Shipping Company S.A. Panama: *Bermuda*.

08647---- Tarricone Transportation Corp.: *Chiara*.

08649---- Anangel Peace Compania Naviera S.A.: *Anangel Peace*.

08650---- Solway Shipping Company Limited: *Torre del Oro*.

08652---- Scorpion Shipping Inc.: *Sea Bells*.

08653---- Armadores Coruna Vigo, S.A.: *Rosendo da Vila*.

08656---- East River Steamship Corporation: *Brooklyn*.

08657---- Mercury Bulkcarriers, Inc. (Liberia): *Lucy*.

08658---- Ti Woo Marine Co., Ltd.: *Min Woo No. 1, Min Woo No. 17*.

08659---- Southmaris Corporation, Panama: *Ellora*.

08661---- Apollonian Grace Company S.A.: *Apollonian Grace*.

08662---- St. Thomas Navigation Corporation: *Sovereign Diamond*.

08663---- Mobile Navigation S.A.: *Sovereign Faylenne*.

08664---- Internares Nortenoes Navegacion S.A.: *Ithaki Sailor*.

08665---- New Zealand Government: *Coastal Trader*.

08666---- Hester Shipping Corporation, Inc.: *Jessica*.

08667---- Capo Caccia Sps, Di Nav. S.P.A.: *Tiria*.

08668---- Marton Shipping Ltd.: *Five Valleys*.

08698---- Toko Suslan Kabushiki Kaisha: *Toko Maru No. 2*.

08699---- Talkyu Suisan Kabushiki Kaisha: *Sumiyoshi Maru No. 3*.

08670---- Ocean Seaways Corporation: *Ocean Skipper*.

08671---- Excomm Limited: *Garchester*.

08672---- Wonco Compania Naviera S.A.: *Stetos*.

08673---- Marine Lanes Transport Corporation: *Patricia M.*.

08674---- World Maritime Ltd.: *Golden Oriole*.

08675---- Torre Canal S.P.A. di Navigazione: *Senatore*.

08676---- Apollonian Wave Company S.A.: *Apollonian Wave*.

08678---- Almi Compania Naviera S.A.: *Mariza*.

08679---- Shichiyo Suisan Kabushiki Kaisha: *Kotoshiro Maru No. 8*.

08681---- Shinto Panama Co. S.A.: *Eastern Hill*.

Certificate No. Owner/Operator and Vessels

08682---- Kankichi Yukawa: *Hoseimaru No. 15*.

08683---- Far East Shipping Company Ltd.: *Venus Gas*.

08684---- Konkak Victory Corp.: *Konkar Victory*.

08685---- Nomura Kaiun Yugen Kaisha: *Taiyo Maru, Hakuyo Maru*.

08686---- Assos Maritime Company Ltd.: *Assos*.

08687---- Diakan Faith S.A.: *Diakan Faith*.

08688---- Diakan Grace S.A.: *Diakan Grace*.

08689---- Eastern Pearl Transports Inc.: *World Wood*.

08690---- Compaina de Navigation Resl S.A. Panama: *Confiance*.

08691---- Fukuju Maru Kaiun K.K.: *Fukuju Maru No. 57*.

08693---- Sincere Navigation Corporation: *Hui Hsing*.

08692---- Rita Shipping Co. Inc.: *Rita, Rita II*.

08695---- Neptunea Transegeo Naviera S.A.: *Skamandros*.

08700---- Pacific Intercontinental Co. Ltd.: *Northerly Trader*.

08701---- Rector Navigation Corp.: *Lily*.

08702---- Bowling Green Navigation Corporation: *Sophia*.

08703---- Oceanic Petroleum Corporation: *First Enterprise*.

08706---- Alvega Shipping Corporation: *Alvega*.

08709---- Bibby Freighters Limited: *Atlantic Bridge, Pacific Bridge*.

08710---- Michael Arcadis: *Arcadyra*.

08711---- Philip Morris Incorporated: *Pioneer Valley*.

08712---- Tharaleos Shipping Corporation of Monrovia Liberia: *Tharaleos*.

08713---- Floreer Compania Naviera S.A. Panama: *Maritime Trader*.

08715---- Niels Onstads Tankrederi A/S Aamodt's Tankrederi A/S: *Susanne Onstad*.

08716---- Eirene Maritime Co. Ltd.: *St. Eirene*.

08717---- Saint Thomas Maritime Co. Ltd.: *St. Thomas*.

08718---- Teta V Compania Naviera S.A. Panama: *Marizina*.

08719---- Agnecstar Shipping Co. S.A.: *Nectarios*.

08721---- Skiros Shipping Co., Ltd.: *AzeHa*.

08722---- Selyu Gyogyo Kabushiki Kaisha: *Seiyumaru No. 12*.

08723---- Product Carriers, Inc.: *Stolt Vidar*.

08724---- Mindoro Shipping S.A.: *Long Beach, Oakland*.

08725---- Kodiak Shipping Inc., Panama R.P.: *Regal Ranger*.

08728---- Alkiviades Shipping Enterprises S.A.: *Aegis Sonic*.

08729---- Westgate Shipping Company Limited: *Stad Gent*.

08730---- Southgate Shipping Company Limited: *Friendly Islands*.

08733---- Intermare Transport Ltd., Cyprus: *Aegis Diligence*.

08736---- Lastros Maritime Company Ltd.: *Cretan Star*.

08234---- Rhino Shipping Corporation: *Stolt Rhino*.

08735---- Kudu Shipping Corporation S.A.: *Aegis Kudu*.

08737---- Hamsei Maritime Company Limited: *Cretan Flower*.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-4763 Filed 2-27-74;8:45 am]

CITY OF LONG BEACH AND PACIFIC MARITIME SERVICES, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 20, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Leslie E. Still, Jr.
Deputy City Attorney
City of Long Beach
Suite 600, City Hall
Long Beach, California 90802

Agreement No. T-2894, between the City of Long Beach (City) and Pacific Maritime Services, Inc. (PMS) provides for the 10-year non-exclusive preferential assignment to PMS of 1,523,919 square feet of wharf and contiguous land area to Berths 245, 246 and 247, Pier J, Long Beach, California for operation as a contract marine terminal, warehouse, and rail and truck facility. As compensation, PMS shall pay City all revenue collected from those charges assessed pursuant to the Port of Long Beach Tariff, subject to a minimum of \$632,808 per annum and a maximum of \$758,974 per annum. PMS agrees to file its schedule of terminal rates and charges with the City, or in lieu thereof, may elect to use and be bound by the Port of Long Beach Tariff. If PMS publishes its own tariff, all charges assessed must conform as nearly as possible with like charges published in the Long Beach tariff and no charge may be made without City's prior written approval. Agreement No. T-2894 also provides for City's construction of

an addition to the container freight station.

Agreement No. T-2894-A, between the same parties, provides for the 10-year non-exclusive preferential assignment (with renewal options) of a container crane at Berths 245, 246 and 247, Pier J, Long Beach, California. As compensation, City is to receive \$186,964.12 annually, and PMS is to pay all costs for crane maintenance. Operation of the crane shall conform to provisions contained in section 9 of the Port of Long Beach Tariff No. 3, excluding Item 910. The agreement provides that City shall have secondary assignment rights with all revenue thereby derived accruing to City. PMS shall collect appropriate maintenance costs.

Dated: February 25, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-4761 Filed 2-27-74; 8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2709—West Virginia]

MONONGAHELA POWER CO., ET AL.

Notice of Availability of Environmental Impact Statement

Notice is hereby given that on February 28, 1974, as required by the Commission rules and regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for license filed pursuant to the Federal Power Act by Monongahela Power Company, et al., for proposed Davis Pumped Storage Project No. 2709 to be located on the Blackwater River and Red Creek in Tucker and Grant Counties, West Virginia.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426 and its New York Regional Office.

Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151 and the Commission's Office of Public Information, Washington, D.C. 20426.

The project would consist of a 600 acre upper reservoir on Cabin Mountain (full pond elevation 4,042 feet m.s.l.), a 7,000 acre lower reservoir (full pond elevation 3,182 feet m.s.l.) located in Canaan Valley, a tunnel and above ground penstocks, and a surface powerhouse which would contain 4 250-mW pump-turbine generating units. Also associated with the project would be 2 500-kV transmission lines about 12 miles long. Proposed recreation facilities include fisherman access areas, a camping area, a marina,

an information center and an interpretive center overlooking the lower reservoir.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-4402 Filed 2-27-74; 8:45 am]

FEDERAL RESERVE SYSTEM FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of December 17-18, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 17-18, 1973.¹

The information reviewed at this meeting—including recent developments in industrial production, residential construction, and retail sales—suggests that growth in economic activity is slowing in the fourth quarter. A further weakening in activity and an appreciable rise in prices are in prospect because of the curtailment in oil supplies. In November nonfarm payroll employment expanded further, but the unemployment rate, which had dropped in October, rose again to about the level that had prevailed since midyear. Wholesale prices of industrial commodities continued to rise sharply in November, reflecting large additional increases for petroleum products and widespread advances among other commodities; farm and food prices declined further.

In nearly all industrial countries abroad, concern has grown that a sustained cut in oil supplies will disrupt economic activity. Major foreign currencies have depreciated further against the dollar, and intervention sales of dollars by foreign monetary authorities have continued. The U.S. merchandise trade balance registered a strong surplus in the September-October period.

The narrowly defined money stock, following little net change over the third quarter, has grown at a relatively rapid pace over the past two months. Growth in the more broadly defined money stock has also been substantial, as net inflows at banks of consumer-type time deposits have been large. Net deposit inflows at nonbank thrift institutions improved somewhat further. Bank credit expansion remained moderate in November, although business loans increased after two months of little or no growth. On December 7 the Federal Reserve announced a reduction from 11 to 8 percent in marginal reserve requirements on large-denomination CD's. Most short-term market interest rates have declined somewhat on balance in recent weeks, while movements in long-term market rates have been mixed.

In light of the foregoing developments, it is the policy of the Federal Open

Market Committee to foster financial conditions conducive to resisting inflationary pressures, cushioning the effects on production and employment growing out of the oil shortage, and maintaining equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve some easing in bank reserve and money market conditions, provided that the monetary aggregates do not appear to be growing excessively.

By order of the Federal Open Market Committee, February 19, 1974.

ARTHUR L. BROMDA,
Secretary.

[FR Doc. 74-4676 Filed 2-27-74; 8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of November 19-20, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 19-20, 1973.¹

The information reviewed at this meeting suggests that growth in economic activity in the fourth quarter is likely to remain at about the moderate rate of the third quarter, but curtailment of oil supplies from abroad has generated considerable uncertainty about subsequent prospects. In October total nonfarm employment expanded substantially further, and the unemployment rate dropped from 4.8 to 4.5 per cent. The advance in wage rates has remained relatively rapid, and unit labor costs have been increasing at a fast pace. Wholesale prices of industrial commodities rose sharply in October, reflecting in part large increases for petroleum products; although farm and food prices declined considerably further, they remained well above the pre-freeze level of early June. In foreign exchange markets, the dollar appreciated against major foreign currencies following announcement in late October of a large surplus in the U.S. merchandise trade balance, and the dollar strengthened markedly further in early November as expectations grew that the developing oil crisis would create particularly severe problems for Western Europe and Japan. In the third quarter and in October, the balance of payments on an official settlements basis was in substantial surplus.

The narrowly defined money stock, which had declined in August and September, rose moderately in October. The more broadly defined money stock expanded sharply as a result of large net inflows at banks of consumer-type time deposits. Net deposit inflows at nonbank thrift institutions improved somewhat further. Bank credit expansion remained moderate in October, reflecting in part a lack of growth in business loans as borrowers shifted to the commercial paper market. The outstanding volume of

¹ The Record of Policy Actions of the Committee for the meeting of December 17-18, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

large-denomination CD's, which had begun to decline in late September, fell substantially further. Short-term market interest rates, while fluctuating widely, rose on balance from mid-October to mid-November. Rates on most types of long-term market securities also advanced somewhat.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to abatement of inflationary pressures, a sustainable rate of advance in economic activity, and equilibrium in the country's balance of payments.

To implement this policy, while taking account of international and domestic financial market developments, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, February 19, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-4675 Filed 2-27-74; 8:45 am]

FIRST AMTENN CORP.

Acquisition of Bank

First Amten Corporation, Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Cleveland National Bank, Cleveland, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 20, 1974.

Board of Governors of the Federal Reserve System, February 19, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4674 Filed 2-27-74; 8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ASTRONOMY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory

Panel for Astronomy to be held at 9:30 a.m. on March 11 and 12, 1974, in Room 338 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations concerning research proposals and projects in astronomy and to advise the Foundation of the impact of its research support programs on the scientific community in astronomy.

The agenda for this meeting shall include:

MARCH 11

MORNING

Introduction
NSF Astronomy Programs, detailed review (5 hours)

AFTERNOON

Continuation of Review of NSF Astronomy Programs
Astronomical Instrumentation and Development Program (2 hours)—Policy questions
—Core support of observatories

MARCH 12

MORNING

Millimeter-Wave Astronomy (2 hours)
Radio Frequency Protection (1 hour)

AFTERNOON

Problems of Planning and Funding Astronomy (4 hours)

This meeting shall be open to the public and shall be limited to 10 observers who may make written suggestions following the meeting. Individuals who wish to attend should apply to Mrs. F. Delores Wade, Secretary to the Astronomy Section, 202-632-4196, Room 305, 1800 G Street, NW., Washington, D.C. 20550.

Persons requiring further information concerning this Panel should contact Dr. Robert Fleischer, Head, Astronomy Section, 202-632-4196, Room 305, 1800 G Street, NW., Washington, D.C. 20550. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street, NW., Washington, D.C. 20550.

Dated: February 19, 1974.

T. E. JENKINS,
*Assistant Director
for Administration.*

[FR Doc.74-4732 Filed 2-27-74; 8:45 am]

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Human Cell Biology to be held at 8:30 a.m. on March 14, 15, and 16, 1974, in Room 321 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda for March 14 and 15 will be devoted to the review and evaluation of research proposals. The session on March

16 will be devoted to the evaluation of the Human Cell Biology Program.

The March 14 and 15 sessions of this meeting are concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

The March 16 session of this meeting shall be open to the public. Individuals who wish to attend should inform Dr. Herman W. Lewis, Program Director, Human Cell Biology Program, by telephone (202-632-4200) or by mail (Room 326, 1800 G Street, NW., Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this Panel should contact Dr. Herman W. Lewis at the above address. Summary minutes relative to the open portion of this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street, NW., Washington, D.C. 20550.

Dated: February 13, 1974.

T. E. JENKINS,
*Assistant Director,
for Administration.*

[FR Doc.74-4733 Filed 2-27-74; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 25, 1974. (44 USC 3509) The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census, Letters to non-government sources of "Farm" Operations Not Likely to be Included as Farms in Administrative Records of Farm Operator Addresses, Form 74-A23(11) (1m), Single time. Lowry, Organizations holding lists of atypical farm operations.

¹ The Record of Policy Actions of the Committee for the meeting of November 19-20, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE**

Center for Disease Control, Irritant Effects of Industrial Chemicals: Formaldehyde and Acetone, Form CDC/IB 0207, Single time, Ellett, Workers exposed to industrial chemicals.

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Housing Management, Report on Unit Availability, Form HUD 51230, Occasional, CVAD/Sunderhauf, Local housing authorities.

Office of Policy Development and Research, Jacksonville Special Study, Form —, Single time, Sunderhauf/CVA, Individuals.

TENNESSEE VALLEY AUTHORITY

Response Cards from Nuclear Organizations, Form —, Single time, Ellett/Foster, Public & investor-owned utilities.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service: Application for Special Certificate of Naturalization to Obtain Recognition as a Citizen of the U.S. by a Foreign State, Form N-577, Occasional, Evinger (x). Application for Advance Permission to Enter as Nonimmigrant, Form I-192, Occasional, Evinger (x). Application for Stay of Deportation, Form I-246, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-4834 Filed 2-27-74; 8:45 am]

**GROSS NATIONAL PRODUCT DATA
IMPROVEMENT PROJECT**

Notice of Change of Public Meeting

Notice of public meeting for the Gross National Product Data Improvement Project appearing on page 6784, Vol. 39, No. 37 of the FEDERAL REGISTER dated February 22, 1974 has been changed from March 4, 1974 to March 12, 1974 in room 10104, New Executive Office Building at 9:45 a.m.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-4833 Filed 2-27-74; 8:45 am]

POSTAL RATE COMMISSION

[Docket No. R74-1]

POSTAL RATES AND FEES, 1973

Notice Designating Officer To Represent Interests of General Public

JANUARY 24, 1974.

Notice is hereby given that, pursuant to section 3624(a) of the Postal Reorganization Act (39 U.S.C. 3624(a)), the Commission designates Henry M. Switkay, a senior attorney employed by the Commission, as the officer of the Commission who shall represent the interests of the general public in the above-entitled proceeding. This officer succeeds Lloyd E. Dietrich whose designation was concluded by Commission notice issued January 8, 1974. See 38 FR 30583 (No-

vember 6, 1973). The title of this officer during the course of the proceeding will continue to be "Officer of the Commission" (OOC).

In accordance with section 8 of the Commission's rules of practice (39 CFR 3001.8), both the Officer of the Commission and the personnel serving with him will be prohibited from participating or advising as to any intermediate or Commission decision in this proceeding.

By the Commission.

[SEAL] **JOSEPH A. FISHER,**
Secretary.

[FR Doc.74-4738 Filed 2-27-74; 8:45 am]

**SECURITIES AND EXCHANGE
COMMISSION**

[70-5460]

AMERICAN NATURAL GAS CO.

Notice of Proposed Acquisition by Registered Holding Company of Common Stock

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its wholly-owned non-utility subsidiary company, American Natural Gas Production Company ("Production Company"), together with American Natural's other subsidiary companies, 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, have filed with this Commission an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The American Natural System ("System") is engaged, among other things, in a broad program to increase the System's natural gas reserves and, as part of that program, proposes to participate in off-shore lease sales scheduled for March and May, 1974, by the U.S. Bureau of Land Management ("Bureau"). More specifically, Production Company, which is the gas exploration and drilling subsidiary of American Natural, intends to participate with several non-affiliated oil and gas producing companies ("the participants") in bidding for tracts in the Texas and Louisiana off-shore areas. In addition to bidding as a member of a group in these lease sales, Production Company will also endeavor to acquire, within a period not exceeding six months from the respective dates on which each bidding takes place, a working interest from other producers who may have acquired leases in these sales. In any event, Production Company's costs in acquiring lease interests, whether by competitive bidding or by subsequent direct purchases from such other successful bidders, will aggregate not more than \$100 million.

As a participant in the group making bids in the off-shore Texas area, Production Company will pay 25 percent of any successful lease bids and receive 25 percent of the working interest therein. With respect to the off-shore Louisiana area, Production Company intends to participate with other independent oil and gas companies in making joint bids for leases, but has not yet made any specific agreement to do so. Moreover, Production Company recognizes that if it joins an existing group in the off-shore Louisiana area which has already expended substantial sums for geological and geographical data, and interpretation of that data, if may be required to pay a slightly greater share of the lease acquisition cost than its share of the working interest in the leases so acquired. It is stated that bids accepted by the Bureau must be paid in full within 30 days after acceptance.

It is further stated that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a wholly-owned interstate pipeline subsidiary of American Natural, expects to make advance payments to the participants covering the expenses relating to exploration, development and production of gas; that these payments will be made in accordance with Federal Power Commission rules; and that, in consideration for the advance payments, Michigan Wisconsin will have the right to purchase gas discovered by the producer to whom advance payments are made.

To finance its aforesaid commitment of up to \$100 million, Production Company proposes to issue and sell (a) its notes to banks in an amount not exceeding \$40 million at any one time outstanding and (b) shares of its \$100 par value Common Stock to American Natural in an aggregate par amount up to \$60 million. The amount of Common Stock thus sold to the parent company will at all times be equal to at least 150 percent of Production Company's outstanding indebtedness to the banks. To accommodate the proposed sale of its Common Stock, Production Company proposes to amend its Certificate of Incorporation to increase its authorized Common Stock from 380,000 shares to 755,000 shares.

Production Company has obtained loan commitments from the following banks, all of Detroit, Michigan, in the maximum amount indicated for each:

National Bank of Detroit	\$20,000,000
Detroit Bank and Trust Co.	8,000,000
Manufacturers National Bank of Detroit	8,000,000
Michigan National Bank of Detroit	4,000,000
	\$40,000,000

The borrowings will be evidenced by unsecured notes which will mature three years after the date of the related credit agreement, and which will bear interest at the annual rate of 1 percent above the prime rate in effect at the lending bank on the date of each borrowing and adjusted for changes in the prime rate.

The notes may be prepaid at any time without penalty. Production Company

will pay a commitment fee of $\frac{1}{2}$ of 1 percent per annum on any unused portion of the commitment. Production Company may reduce the amount of the commitment at any time. There will be no compensating balance requirements.

American Natural proposes to borrow from banks up to \$60 million on its unsecured promissory notes. A statement of the banks which will advance funds, and the respective commitment made, will be supplied by amendment. Notes will be issued pursuant to the lines of credit in varying amounts commencing March 15, 1974, and from time to time thereafter as funds are required, and the proceeds therefrom will be applied to the extent necessary to purchase the Common Stock of Production Company. The American Natural notes may be prepaid at any time without penalty, will be dated as of the date of issuance, and will mature no later than one year from the date of the first borrowing. The interest rate on the notes has not yet been determined, but American Natural expects that its effective interest cost will not exceed the then prevailing prime rate at the lending banks adjusted for normally required compensating balances. Definitive information as to the interest rate to be borne by the American Natural notes will be supplied as a part of said amendment.

By order dated June 5, 1973 (Holding Company Act Release No. 17984), Production Company and American Natural were authorized to borrow funds from banks in an aggregate amount not exceeding \$50 million to enable Production Company to participate with a group of non-affiliated companies in competitive bidding for 129 tracts in the off-shore Texas area offered by the Department of Interior on June 19, 1973. As a result of that bidding, Production Company and its partners obtained one tract, for which Production Company's share of the cost amounted to \$11,423,000. Production Company and American Natural accordingly cancelled the unused balance of the \$50 million bank commitments.

Said order of June 5, 1973, also authorized American Natural and its subsidiary companies (including Production Company), pursuant to subparagraph (a) of Rule 45, to allocate the System's consolidated Federal income taxes for the years 1972, 1973, and 1974 in a manner deviating in certain respects from that which is prescribed by Rule 45(b) (6). For reasons substantially similar in principle to those presented to the Commission in that proceeding, the applicants-declarants now request that the deviation heretofore authorized for the years 1972-1974 be extended to cover subsequent years through 1977. Both the earlier authorization and the requested extension involve the operations of Production Company.

The reasons for departing from the tax allocation prescription of Rule 45(b) (6) were set forth in some detail in said Order of June 5, 1973. Briefly restated, those reasons are that Production Company's programs for participation in

bidding for off-shore oil and gas leases constitute a significant expansion of its efforts to increase the System's gas reserves; that several years normally elapse before newly discovered reserves can be developed and marketed; that during the development years a large portion of the related expenses give rise to net losses which are deducted for Federal income tax purposes in the consolidated returns and thus result in commensurate reductions of the consolidated tax liability; that allocation of these tax savings to system companies other than Production Company under the provisions of Rule 45(b) (6) would adversely affect Production Company's ability to finance its continued efforts to enlarge the System's future gas supplies; and that allocation of the tax savings to Production Company under the deviation would provide it with funds necessary to service debt incurred under the lines of bank credit related to the off-shore bidding programs.

As presently estimated, Production Company's tax losses from oil and gas operations in 1973 and 1974 will amount to approximately \$627,000 and \$3,700,000, respectively, including \$1,700,000 in 1974 from exploration and development of the off-shore Texas tract (Block A-368) acquired in the June, 1973 bidding. Additional tax reductions of approximately \$2,200,000 and \$1,200,000 in respect of Block A-368 are presently anticipated for 1975 and 1976, respectively. At current tax rates, the related tax benefits applicable to the years 1973 through 1976, which would inure to Production Company under the proposed extended deviation from Rule 45(b) (6), would be \$300,000, \$1,776,000, \$1,056,000, and \$576,000, respectively. With respect to any productive off-shore tracts that may be acquired in 1974 in the manner outlined above, it is stated that under present and foreseeable conditions the exploration and development of such tracts may not be completed until 1977 or later, and that the related tax-deductible costs (spread over a three or four year period) can be anticipated to approximate 50 percent of the actual cost of the tracts.

Accordingly, applicants-declarants request that the authorization heretofore granted to allocate consolidated income taxes for the years 1972, 1973, and 1974, in a manner other than prescribed by Rule 45(b) (6), be extended through the year 1977 by application of the previously authorized procedure, to wit:

1. In any such taxable year, when the operations of Production Company result in a tax loss, then the consolidated Federal income tax to be allocated among the System companies would be based upon the tax that would have resulted had Production Company been excluded from the consolidated Federal income tax return.

2. The funds retained by virtue of the reduction in tax resulting from inclusion of Production Company's tax loss in the consolidated Federal income tax return would be paid to Production Company.

3. In future years, when Production Company has taxable income, it may be

entitled to tax credits as a result of the net operating loss carry-back and carry-over provisions of section 172(b) of the Internal Revenue Code in order to comply with the separate return limitations required by Rule 45(b) (6). To the extent that Production Company receives tax benefits pursuant to paragraphs 1 and 2 above, such benefits would be applied to reduce any credits in future years to which Production Company might otherwise be entitled under the separate return limitations of Rule 45(b) (6).

4. Subject to paragraph 3, in no event will the tax allocated to any subsidiary company of American Natural exceed the amount of tax computed as if such subsidiary company had always filed its tax returns on a separate return basis.

Under the "full-cost" accounting method adopted by Production Company, its gas exploration and development costs will be capitalized and subsequently amortized, i.e., charged to income on a unit of production basis as the gas or oil is produced and sold. Production Company will defer on its books any funds received pursuant to paragraphs 1 and 2 above, and will charge the deferral as the capitalized exploration and development costs are amortized.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at \$6,500, including counsel fees of \$3,500.

Notice is further given that any interested person may, not later than March 14, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4690 Filed 2-27-74; 8:45 am]

[File No. 7-4534-7-4541]

BEKER INDUSTRIAL CORP. ET AL

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 21, 1974.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Beker Industries Corp.	7-4534
Bowmar Instrument Corp.	7-4535
Champion Spark Plug Co.	7-4537
Data General Corp.	7-4538
Foster Wheeler Corp.	7-4539
Kaufman & Broad, Inc.	7-4540
Marlennan Corp.	7-4541

Upon receipt of a request, on or before March 7, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4680 Filed 2-27-74; 8:45 am]

[File No. 7-4536]

BRITISH PETROLEUM COMPANY LTD.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 21, 1974.

In the matter of applications of the Boston Stock Exchange, for unlisted

trading privileges in Certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the American shares of the following company, which securities is listed and registered on one or more other national securities exchanges:

British Petroleum Company Limited, American Shares, File No. 7-4536.

Upon receipt of a request, on or before, March 7, 1974, from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4683 Filed 2-27-74; 8:45 am]

[812-3495]

FRANKLIN CORP.

Notice of Filing of Application

Notice is hereby given that The Franklin Corporation ("TFC"), One Rockefeller Plaza, New York, New York 10020, a small business investment company licensed under the Small Business Investment Act of 1958 (the "SBIA") and registered under the Investment Company Act of 1940 (the "Act") as a non-diversified, closed-end management investment company, has filed an application for an order of the Commission pursuant to section 17(b) of the Act exempting certain transactions described below from the provisions of section 17(a) of the Act and for a further order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder permitting certain described transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

TEC owns 180,468 shares of Colorguard Corporation ("Colorguard"), a small business concern engaged in the business of manufacturing and selling

chain link fences and fishing and marine products. These securities represent approximately 65 percent of the outstanding shares of Colorguard. In addition, as of July 31, 1973, Colorguard owed TFC \$243,000 on a long-term 6.65 percent note payable January 1, 1974, and \$84,000 on a 7.5 percent demand note. These loans are secured by a first lien on the assets of Colorguard.

TFC has determined, for economic reasons and because it holds a higher proportion of Colorguard stock than is permitted by Regular section 107.901 of the SBIA, to sell its Colorguard shares. Consequently, it has entered into an agreement with Victoria Holding Corporation ("Victoria"), a company wholly-owned by Edmund Rose ("Rose"), which has as its only asset the outstanding shares of Colorguard not owned by TFC. Pursuant to this agreement Victoria will purchase TFC's Colorguard stock for a price of \$721,872, or \$4 per share. Of the purchase price, \$400,000 will be paid in cash and the remainder will be evidenced by Victoria's 8½% note for \$321,872, which will be secured by a pledge of 80,468 shares of Colorguard and a second lien on the assets of Colorguard. Colorguard will pay off its entire long-term indebtedness to TFC and will repay \$25,000 on demand note. Payment of the remaining \$59,000 on the demand note will be guaranteed by Victoria and will be secured by the same pledged securities and lien given with respect to Victoria's note to TFC.

These transactions will be financed with a loan of \$700,000 from Franklin National Bank (the "Bank") to Colorguard. The loan will be represented by a note bearing interest at Franklin's prime 90-day rate prevailing from time to time, plus 1½ percent. The loan will be secured by a first lien on the assets of Colorguard and by a pledge of all of Victoria's shares of Colorguard including shares initially pledged to TFC but released from time to time as Victoria pays off its note to TFC. Victoria and Rose will also guarantee the loan. Of the proceeds of the loan, \$400,000 will be loaned by Colorguard to Victoria to enable Victoria to purchase Colorguard shares from TFC as described above, \$268,000 will be used by Colorguard to pay off most of its indebtedness to TFC as described above, and the remainder will be used by Colorguard for corporate purposes.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to sell any security or other property to, to purchase any security or other property from, or to borrow any money or other property from, such registered investment company or any company controlled by such investment company. Section 17(b) provides that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of

any person concerned and that the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person who owns more than 5 percent of the outstanding voting securities of such person or any person more than 5 percent of whose outstanding securities are owned by such person. Under this definition, Colorguard and TFC are affiliated persons of each other and Victoria is an affiliated person of an affiliated person of TFC. Victoria is, therefore, in the absence of an exemption, prohibited from (1) purchasing the Colorguard securities from TFC, (2) borrowing money from TFC, and (3) selling its note in the amount of \$321,872 to TFC.

At the time the transactions described above were negotiated, the Bank owned 29 percent of the shares of TFC. The Bank has since sold its shares of TFC to Herman E. Goodman ("Goodman"), the president of TFC. This sale was approved by the SBA and was, allegedly, negotiated separately from and subsequent to the negotiations concerning the refinancing of Colorguard. Nevertheless, at the time the refinancing of Colorguard was agreed to, the Bank was an affiliated person of TFC and, thus, may be deemed an affiliated person of TFC for purposes of the application. Since section 2(a)(9) of the Act provides that any person who owns more than 25 percent of the outstanding shares of another person is presumed to control such person, TFC, by virtue of its ownership of 65 percent of the shares of Colorguard, is presumed to control Colorguard. Therefore, the Bank, as an affiliated person of TFC, may be deemed to be prohibited by section 17(a) of the Act from purchasing from Colorguard the note evidencing Colorguard's borrowing of \$700,000 from the Bank.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to effect any transaction in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a con-

trolled company thereof and any affiliated person of such registered company or any affiliated person of such person have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. Since the Bank and Victoria are involved together with TFC in the plan for refinancing Colorguard, the plan may be deemed to constitute a joint enterprise or arrangement which is prohibited by section 17(d) of the Act and Rule 17d-1 thereunder in the absence of an order of the Commission. Consequently, an order permitting the transactions incident to the plan is requested.

TFC contends that the proposed transactions are reasonable and fair and do not involve overreaching. In support of this contention, TFC represents that the terms of the sale of Colorguard stock to Victoria were negotiated at arms-length by independent parties having interests adverse to each other. TFC states that the purchase price for the Colorguard stock is consistent with the values TFC placed upon the stock in the past by valuing the stock at 10 times earnings for the preceding three years and that this valuation, in the light of Colorguard's business, is reasonable. TFC states that it will realize a gain on the sale of \$667,454, before taxes. TFC also states that Victoria is a purchaser willing to pay a high price to retain control, and that in the absence of such a purchaser TFC might have difficulty in disposing of its Colorguard stock without incurring costs of registration or loss in value resulting from a private placement. TFC also represents that the terms of the proposed loans by the Bank to Colorguard were arrived at in arms-length negotiation without any overreaching, and that all the proposed transactions are consistent with TFC's policies and the purposes of the Act. Furthermore, TFC asserts that, to the extent it is involved in a joint transaction with affiliated persons, it is not participating on a disadvantageous basis.

Notice is further given that any interested person may, no later than March 18, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon TFC at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course follow-

ing March 18, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4689 Filed 2-27-74;8:45 am]

[File Nos. 7-4542-7-4547]

MASCO CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 21, 1974.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Masco Corp.....	7-4542
Murphy Oil Corp.....	7-4543
U.S. Freight Co.....	7-4545
Utah International Inc.....	7-4546
Waste Management, Inc.....	7-4547

Upon receipt of a request, on or before March 7, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4683 Filed 2-27-74;8:45 am]

[811-2374]

OVERLAND INCOME SECURITIES, INC.**Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company**

Notice is hereby given that Overland Income Securities, Inc. ("Applicant"), a California corporation registered as a closed-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant registered under the Act on April 5, 1973, by filing a Form N-8A Notification of Registration. On that same date, Applicant filed a Form N-8B-1 Registration Statement under the Act together with a Form S-4 Registration Statement under the Securities Act of 1933.

Applicant originally proposed to make an initial public offering and sale of its securities through an underwriting group composed of several broker-dealers (the "Representatives") registered under the Securities Exchange Act of 1934. On May 17 and 18, 1973, the Representatives purchased from Applicant for their own accounts in a private placement 4,348 shares of Applicant's stock. These are the only shares which have been sold and issued by Applicant, and the Representatives were Applicant's only shareholders. In late May 1973, the Representatives informed Applicant that due to adverse market conditions, they would be unable to underwrite the proposed sale of Applicant's stock.

On December 6, 1973, all the Representatives, as shareholders of Applicant, signed a written election and consent to wind up the affairs of and to dissolve Applicant. On December 28, 1973, Applicant filed a Certificate of Election to Wind Up and Dissolve with the Secretary of State of the State of California under the laws of the State of California. As of December 31, 1973, all of Applicant's assets had been converted to cash and distributed pro rata to Applicant's shareholders pursuant to the plan of dissolution, and, as of that same date, all of Applicant's shareholders had tendered all outstanding shares of Applicant's common stock to Applicant upon receipt of liquidation payments.

Applicant presently has no assets, no liabilities and no shareholders. No public offering of Applicant's securities is being made presently and no such offering is presently proposed for the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 18, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following March 18, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-4691 Filed 2-27-74; 8:45 am]

[File No. 24NY-7803]

PAMCO CAPITAL CORP.**Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing**

FEBRUARY 21, 1974.

I. Pamco Capital Corporation ("Pamco" or "Issuer") is a New York corporation located at 445 Park Avenue, New York, New York. It was organized on February 12, 1973 to engage in the business of providing financial consulting and advisory services in connection with the placement of securities, mergers, acquisitions and investments as well as to analyze and evaluate the financial condition of its business clients, prepare financial plans, and aid in securing additional funds for clients.

On March 28, 1973 it filed a notification pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its \$.01 par value common stock at \$.50 per share. The "all-or-none" offering which commenced on June 4, 1973, originally was to be conducted by the company through its officers and directors without the use of an underwriter. However, on July 13, 1973, an amendment was filed, naming Harper Johnson Co., Inc. as sole underwriter of the offering. The offering resumed on July 24, 1973.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in the following respects:

1. The plan of distribution.
2. The failure to accurately state the terms of the offering.
3. The failure to disclose Michael D. Muffoletto's participation in the offering as an underwriter.
4. The listing of a director who, in fact, was not a director of the issuer.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The offering circular failed to list Michael D. Muffoletto as an underwriter.
2. The offering circular failed to accurately state the terms of the offering and the manner in which the offering would be made.
3. The offering circular failed to accurately identify the directors of the issuer.

C. An officer and an underwriter failed to cooperate and obstructed the making of the investigation by the Commission in the following respects:

1. The president of the issuer refused to give testimony in connection with the investigation of the offering.
2. The suggestion by the undisclosed underwriter to a witness that he give false testimony during the investigation.

D. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no

hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4684 Filed 2-27-74;8:45 am]

[File Nos. 7-4544, 7-4548]

**TESORO PETROLEUM CORP. AND
WILLIAMS COS.**

**Notice of Applications for Unlisted Trading
Privileges and of Opportunity for Hearing**

FEBRUARY 21, 1974.

In the matter of application of the Boston Stock Exchange, for unlisted trading privileges in certain securities Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Tesoro Petroleum Corporation, War-	File No.
rants Expiring 8/24/76-----	7-4544
Williams Companies, Warrant Se-	
ries A-Expire 1/1/76-----	7-4548

Upon receipt of a request, on or before, March 7, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested persons may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4679 Filed 2-27-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 12/12-0146]

ARCATA INVESTMENT CO.

Notice of License Surrender

Notice is hereby given that Arcata Investment Company, 2750 Sand Hill Road, Menlo Park, California 94025, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration's rules and regulations governing small business investment companies (§ 107.105 38 FR 30836, November 7, 1973.)

Arcata Investment Company was licensed as a small business investment company on August 13, 1968, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the regulations promulgated thereunder.

Arcata Investment Company has wound up its operations and dissolved as a corporate entity.

Under the authority vested by the Act and pursuant to the cited Regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises therefrom are canceled.

Dated: February 19, 1974.

JAMES THOMAS PHELAN,
Deputy Associate
Administrator for Investment.

[FR Doc.74-4678 Filed 2-27-74;8:45 am]

**INTERSTATE COMMERCE
COMMISSION**

[Notice 455]

ASSIGNMENT OF HEARINGS

FEBRUARY 25, 1974.

Cases assigned for hearing, postpone-ment, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 107583 Sub-54, Salem Transportation Co., Inc., now being assigned April 17, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 130215, Marie Louise McEnvoy, DBA Household Moving Service, now being assigned April 15, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-4963-40, Alleghany Corporation, DBA Jones Motor, now being assigned hearing April 8, 1974, at New York, N.Y., in a hearing room to be later designated.

MC 138802, Summit Town Transit Rental, Inc., now assigned March 25, 1974, at Camden, N.J., will be held in the Jury Assembly Room, U.S. Post Office & Courthouse, 4th & Market Street.

MC-F-12025, Becker's Motor Transportation, Inc.,—Control—Needhams Motor Service, Inc., and FD-27530, Becker's Motor Transportation, Inc., Notes, now being assigned hearing April 15, 1974 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC-C-8096, The Squaw Transit Company—Investigation and Revocation of Certificates—now assigned March 4, 1974, at Tulsa, Okla., is cancelled.

MC-F-11711, Barrett Mobile Home Transport, Inc.—Purchase—James M. Crain, DBA Jim Crain Mobile Home Transport, now being assigned hearing April 3, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-1824, Sub 60, Preston Trucking Company, Inc., and MC-F-11890, Howard Sober, Inc.—Purchase (Portion)—Insured Transporters, Inc., now being assigned hearing April 8, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-22182 Sub 23, Nu-Car Carriers, Inc., now being assigned Hearing April 10, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11932, Refrigerated Transport Co., Inc.—Purchase (Portion)—Hurlman Trucking Co., and MC-107515 Sub 850, Refrigerated Transport Co., Inc., now being assigned hearing April 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118831 Sub 100, Central Transport, Inc., now assigned February 27, 1974, will be held at the Main Library, 310 N. Tryon Street, Charlotte, N.C.

MC 107012 Sub 187, North American Van Lines, Inc., now assigned March 4, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4777 Filed 2-27-74;8:45 am]

[Finance Docket No. 27463]

GRAHAM COUNTY RAILROAD CO.

**Resumption of Service in Graham County,
N.C.**

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is so ordered. That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Graham County, N.C., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That a notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., on the 20th day of February 1974.

By the Commission, Commissioner Deason.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[Finance Docket No. 27463]

GRAHAM COUNTY RAILROAD COMPANY RESUMPTION OF SERVICE IN GRAHAM COUNTY, N.C.

The Interstate Commerce Commission hereby gives notice that by order dated February 20, 1974, it has been determined that the above-entitled proceeding that the proposed resumption of operations over a line of railroad between Tipton Junction and Robbinsville, Graham County, N.C., a distance of 12.5 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. §§ 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the proposed resumption of operations, if approved, would enhance the area's efforts to revitalize its heretofore depressed economy by providing local businesses a reliable means of public transportation not recently available. Adverse effects generally associated with the resumed rail service would be minimal because of the limited traffic expected and the pending conversion from steam to diesel power for the preponderance of the freight traffic. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6889.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 15, 1974.

[FR Doc.74-4773 Filed 2-27-74; 8:45 am]

[Ex Parte No. 295 (Sub-No. 1)]

INCREASED FREIGHT RATES AND CHARGES, 1973—RECYCLABLE MATERIALS

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of February 1974.

It appearing, that on September 24, 1973, substantially all of the Nation's major railroads and certain water and motor carriers having joint rates with those railroads filed a petition, accompanied by supporting verified statements, requesting the Commission to institute an investigation into the revenue needs of all carriers operating by railroad in the United States, to make all such carriers respondents therein, to authorize the filing of a master tariff and

connecting link supplements, to grant such other relief as may be necessary to effectuate the same increase in rates and charges on commodities moving for purposes of recycling (identified in Appendix A below) as proposed on commodities generally in Ex Parte No. 295, namely 3 percent within eastern territory and 5 percent within other territories and interterritorially, to incorporate by reference the railroads' verified statements in Ex Parte No. 295 upon which the carriers rely for economic justification of the proposed increases on recyclables, and to permit said tariffs to become effective upon 45 days' notice;

It further appearing, that by notice dated September 27, 1973, the public was notified of the filing of the above petition seeking authority to publish increases in the rates and charges on recyclable materials, and that interested persons were permitted to file replies thereto on or before November 2, 1973, addressed to the question whether permission to file the tariffs should be granted, with emphasis on the environmental impact of the increases sought;

It further appearing, that various replies were filed pursuant to the Commission's notice, and that the views set forth therein have been considered, including assertions by some parties that recyclable commodities should not be subject to increase but that under no circumstances should the increase proposed exceed 3 percent;

It further appearing, that on December 5, 1973, the Commission's report was served in Ex Parte No. 295, "Increased Freight Rates and Charges, 1973," 344 I.C.C. 589, authorizing the railroad respondents to establish a 3-percent increase in freight rates and charges within and between all territories, subject to exceptions not here relevant;

It further appearing, that the evidence submitted by petitioners show that the 3-percent rate increase authorized by the Commission, if applied to recyclable materials, would yield estimated net revenues of \$7.9 million annually (\$3.7 million to eastern railroads, \$1.2 million to southern railroads, and \$3.0 to western railroads); and that the carriers are in need of additional revenues to offset increased labor and material costs, considering in this regard economic stabilization guidelines and recognizing expected and obtainable productivity gains which, however, are not in the aggregate of sufficient magnitude to offset such demonstrated costs;

It further appearing, that by order dated December 12, 1973, the Commission permitted the parties (including the railroads and replicants) to file additional representations in an effort to obtain facts and data necessary to enable it properly to assess and quantify the environmental consequences that may result from any action to be taken herein, and that such additional representations were received from the railroad petitioners, the Institute of Scrap Iron and Steel, Inc.¹ and the National Association of Recycling Industries

(formerly National Association of Secondary Material Industries, Inc.);

It further appearing, that the filing of the general increase schedules, hereinafter authorized, will not have a significant adverse effect upon the environment within the meaning of the National Environmental Policy Act of 1969; concerning the merits of the proposed increase on recyclables, however, it is contemplated that the detailed environmental impact statement procedures prescribed in section 102(2) (C) will be followed, said statement to be prepared late enough in the development process to contain meaningful information but early enough so that whatever information is contained in the statement can practically serve as input into the decision-making process (See "Scientists' Institute for Public Information, Inc. v. Atomic Energy Commission", 481 F. 2d 1079 (D.C. Cir. 1973)).

And it further appearing, That by Special Permission Order No. 74-2500 served herewith, the Commission is authorizing the filing of tariff schedules of increased rates and charges sought in the petition, subject to the 3-percent overall limitation imposed in Ex Parte No. 295, supra, upon not less than 45 days' notice to the Commission and the general public, and subject further to protest and possible suspension as provided by the Act, and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby instituted into and concerning the revenues needs of the railroads of the United States and the extent to which the proposed increases in rates and charges are necessary to provide revenues sufficient to enable the carriers, under honest, economical and efficient management, to provide adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service, and the reasonableness and lawfulness of such increases under the provisions of the Interstate Commerce Acts and related acts.

It is further ordered, That all common carriers by railroad be, and they are hereby, made respondents to this proceeding.

It is further ordered, That the record in Ex Parte No. 295, "Increased Freight Rates and Charges, 1973," be, and it is hereby, made a part of the record in this proceeding.

It is further ordered, That in accordance with the special permission authority hereinafter granted, the schedules shall be published, subject to protest and suspension, to become effective upon not less than 45 days' notice, not earlier than April 10, 1974, nor later than April 30, 1974, and said schedules shall contain an appropriate refund provision.

¹ On February 14, 1974, the Institute also submitted a Reply to Comments on Behalf of Railroad Petitioners; that pleading has been accepted for filing pursuant to replicant's petition for Leave to File.

It is further ordered, That this proceeding be, and it is hereby referred to Administrative Law Judge Janice M. Rosenak for hearing commencing at 9:30 a.m. on April 23, 1974, at the offices of the Interstate Commerce Commission, Washington, D.C., for the purpose of cross-examination of witnesses submitting verified statements and to afford an opportunity for the parties to submit such other pertinent evidence as the Administrative Law Judge deems necessary to complete the record. Persons desiring to participate shall, not later than April 12, 1974, specify which witnesses they intend to cross-examine by notice, sent via first class mail, to the Commission and the respondents or other affiant as the case may be.

It is further ordered, That verified statements of fact and argument in opposition to the schedules, which will be considered with respect to statutory suspension of the rates as well as made part of the formal record herein, shall be filed and served on or before March 20, 1974 (the original and 24 copies should be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, except that a lesser number of copies may be filed upon a showing of good cause, and one copy should be served upon the representative of the petitioner railroads, Mr. James L. Tapley, American Railroads Building, Room 527, 1920 L Street, NW., Washington, D.C. 20036²); that any person who does not desire to submit verified statements may file and serve in like fashion unverified protests which will be considered by the Commission only in connection with the issue of suspension; and that replies heretofore filed will be treated as protests and the parties may rely thereon in lieu of filing protests in this proceeding.

It is further ordered, That on or before April 1, 1974, the respondents shall file with the Commission and serve upon opposing parties such replies to protests seeking suspension and rebuttal evidence on the merits of the proceeding as they desire to present. Such evidence shall be in the form and served in the manner prescribed in "Procedures Governing Rail Carrier General Increase Proceedings," 49 CFR Part 1102, except that replies and rebuttal verified statements need be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. Such statements shall be furnished to other interested parties upon request.

It is further ordered, That the request for fourth-section relief will be considered following the filing of statements in opposition and replies thereto.

And it is further ordered, That the petition in all other respects be, and it is hereby, denied.

[Special Permission No. 74-2500]

Upon consideration of the railroads' petition filed September 24, 1973, seeking

the relief described in the order attached hereto, the replies to said petition, and the action taken by the Commission in Ex Parte No. 295:

It is ordered, for good cause shown:

1. All railroads, and water and motor carriers to the extent they have joint rates with said railroads, and their tariff-publishing agents, be, and they are hereby, authorized to depart from the Commission's tariff-publishing rules when publishing and filing tariffs, and tariff amendments, to become effective not earlier than April 10, 1974, nor later than April 30, 1974, with notice to the Commission and the public of not less than 45 days, providing for increased rates and charges as set forth in the petition, except that said proposed increases shall not in any instance exceed the 3-percent increase authorized by the Commission in the final report in Ex Parte No. 295, "Increased Freight Rates and Charges, 1973," served December 5, 1973;

(a) By publication and filing of a master tariff of increased rates and charges, and supplements thereto, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with six percent interest.

In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with six percent interest.

The master tariff shall bear an expiration date not beyond one year after the effective date, which may not be canceled or extended except upon specific authorization of this Commission, and all relief herein expires with that date. The master tariff must initially contain all provisions for application of the increases (including provisions for no increases, part of the overall proposal) following which (unless suspended) any provisions other than those of a general character may be canceled and transferred to the particular tariffs affected upon a common effective date with appropriate notation to that effect in the master tariff amendment.

(b) By publication and filing of a connecting link supplement to each tariff (to be made subject to the master tariff), connecting such tariffs with the master tariff. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs), provided each copy officially filed is hand marked in the appropriate places as to the supplement number and the I.C.C. number of the tariff it supplements.

(c) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariffs and

upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publication is identified in the tariffs and made subject to the refund clause worded substantially as in paragraph 1(a) herein and subject further to the overall 3-percent limitation previously imposed.

(d) By publication of provisions in tariffs or amendments thereto subjecting rates and charges therein to the provisions of the master tariff.

2. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized herein shall bear the notation:

Form of publication authorized, I.C.C. permission No. 74-2500.

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear a notation reading:

Publication made in accordance with I.C.C. permission No. 74-2500.

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

4. Outstanding orders of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed shall be subject to protest and possible suspension or rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See for example "Increased Freight Rates and Charges, 1973," 344 I.C.C. 589, 629, and "Increased Freight Rates and Charges," 1972, 341 I.C.C. 288, 336.

It is further ordered, That future orders and notices of the Commission in this proceeding will be sent only to those parties participating as herein provided, those who have previously filed replies or representations herein, and those interested persons who specifically request to be included on the service list.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

The commodities which will be affected by the increases proposed in the railroads' petition are identified in paragraph (m) of the general exceptions to tariff X-205-A as follows:

² All parties able to do so should serve 25 copies upon the railroads' representative.

STCC No.	Commodity
22 941-----	Textile Waste garneted or processed.
22 973 15-----	Nolls, ramie.
22 973 25-----	Nolls (comblings or combor waste), cotton.
thru	
22 973 68-----	Rovings, jute and istle (ltile).
32 299 24-----	Cullet (broken glass).
33 119-----	Blast furnace or coke oven products, Nec.
32 312-----	Copper matte, speiss or fue dust.
33 322-----	Lead matte, speiss or fue dust.
33 332-----	Zinc dross, residues, ashes.
33 342-----	Aluminum residues.
33 398-----	Miscellaneous Nonferrous metal residues.
40 1-----	Ashes.
40 2-----	Waste or Scrap.

The STCC numbers referred to shall also embrace all articles assigned additional digits listed thereunder in STCC Tariff 1-A.

[FR Doc.74-4776 Filed 2-27-74;8:45 am]

[Notice 33]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 20, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74893. By order of February 22, 1974, the Motor Carrier Board approved the transfer to Interstate Trucking Corp., Staten Island, N.Y., of Certificate No. MC-1759 issued December 28, 1940, to Froehlich Transportation Co., Inc., Stamford, Conn., authorizing the transportation of general commodities between Hartford, Conn., and Newark, N.J.; also to and from named intermediate points in Connecticut and New York; off-route points in Connecticut, New York, New Jersey, and New York, N.Y., Commercial Zone; and between Stratford and Stamford, Conn., on the one hand, and, on the other named points in Connecticut. Mr. John R. Remis, Jr., Attorney at Law, 20 Eritha Lane, Smithtown, N.Y. 11787; Mr. Thomas W. Murrett, Attorney at Law, 342 No. Main Street, West Hartford, Conn. 06117.

No. MC-FC-74916. By order of February 22, 1974, the Motor Carrier Board approved the transfer to Carl O. Minnberg, doing business as Calder's Van Company, 1800 North Western Avenue, Chicago, Ill. 60647, of the operating rights in Certificate No. MC-95293 issued May 15, 1973, to James Calder, doing business as Calder's Van Company, 3843 North Chicago Avenue, Chicago, Ill. 60651, authorizing the transportation of household goods, between Chicago, Evanston City, and points in New Trier and Niles Townships, Ill., on the one hand, and, on the other, points in Minnesota, Iowa, Nebraska, Wisconsin, Ohio, and Indiana.

No. MC-FC-74978. By order of February 22, 1974, the Motor Carrier Board approved the transfer to Currier Trucking Corporation, Gorham, N.H., of the operating rights in Certificate No. MC-128639 issued March 19, 1969, and subnumbers thereunder, to Reginald H. Currier, Gorham, N.H., authorizing the transportation of wood chips, and woodpulp, to and from, and between named points in New Hampshire, New York, Maine, and Vermont. Frank J. Welner, 15 Court Square, Boston, Mass. 02108, Attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4775 Filed 2-27-74;8:45 am]

[Notice 30]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before March 15, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 44735 (Sub-No. 14 TA), filed February 11, 1974. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, P.O. Box 6237, Kansas City, Mo. 64126. Applicant's representative: Lowell

K. Knipmeyer, 2704 Power & Light Building, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies and automobile engines for recycling purposes*, from points in Colorado, to the Kansas City, Missouri-Kansas City, Kansas commercial zone, for 180 days.

NOTE.—Applicant intends to interline at Kansas City, Mo., with No. MC 44735.

SUPPORTING SHIPPER: Auto Recyclers, Incorporated, Box 6701, Third Floor—Century Bank & Trust Bldg., 234 Columbine Street, Denver, Colo. 80206. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 51146 (Sub-No. 359 TA), filed February 13, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 54306, 266 So. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard or fibreboard*, from Hot Springs and Morrilton, Ark.; Fernandina Beach, Jacksonville, Panama City and Port St. Joe, Fla., August, Brunswick, Cedar Springs, Kranert, Macon, Mead, Port Wentworth, Rome, Savannah and Valdosta, Ga., Hawesville, Ky., Bastrop, Bogulusa, De Ridder, Hodge, Penneville, Springhill and West Monroe, La., Monticello and Vicksburg, Miss., Plymouth, Roanoke Rapids, and Sylva, N.C., Vallant, Okla., Charleston, Florence, Georgetown, and Hartsville, S.C., Orange and Silsbee, Tex., Big Island, Hopewell and West Point, Va., to Coloma, Mich., for 180 days. SUPPORTING SHIPPER: Menasha Corporation, P.O. Box 367, Neenah, Wis. 54956 (Edward E. Fetzner, Corporate Traffic Analyst). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 101075 (Sub-No. 118 TA) (Correction), filed January 30, 1974, published in the FEDERAL REGISTER issue of February 19, 1974, as MC 11075 (Sub-No. 118 TA), and republished as corrected this issue. Applicant: TRANSPORT, INC., 1215 Center Avenue, P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger, P.O. Box 396, Moorhead, Minn. 56560. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Mankato, Minn., to points in South Dakota, Nebraska, and Iowa, for 180 days.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding in No. MC 101075 (Sub-No. 118 TA).

SUPPORTING SHIPPER: Midwest Oil of South Dakota, 615 East 8th, Sioux Falls, S. Dak. 57100. SEND PROTESTS TO: J. H. Ambs, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 109677 (Sub-No. 48TA) (Amendment), filed January 15, 1974, published in the FEDERAL REGISTER issue of January 29, 1974, and republished as amended this issue. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, (1) from Glens Falls, N.Y., to Baltimore and Leslie, Md., Cambridge, Mass., Philadelphia, Plymouth Meeting, Lancaster, Mount Union, and Morrisville, Pa., Jackson, Niles and Black Fork, Ohio, and Ports of Entry on the International Boundary line between the United States and Canada located at Champlain and Rouses Point, N.Y., with no transportation for compensation on return, except as otherwise authorized; (2) from Glens Falls, N.Y., to Ambler, Van Dyke, and Womelsdorf, Pa., Passaic, N.J., and Ports of Entry on the International Boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y., with no transportation for compensation on return, except as otherwise authorized; (3) from Glens Falls, N.Y., to points in New York located on the Hudson River, Mohawk River, Erie Canal, Champlain Canal, and the St. Lawrence Seaway, restricted to shipments having a subsequent movement by water, with no transportation for compensation on return, except as otherwise authorized; (4) from Glens Falls, N.Y., to points in Maryland (except Baltimore and Leslie), Pennsylvania (except Philadelphia, Plymouth Meeting, Lancaster, Mount Union, and Morrisville), and New Jersey, with no transportation for compensation on return, except as otherwise authorized; and (5) from Glens Falls, N.Y., to East Bridgewater and Wilmington, Mass., with no transportation for compensation on return, except as otherwise authorized, for 180 days.

NOTE.—The purposes of this republication are (a) to indicate the substitute origin point in (1) through (4) above of Glens Falls, N.Y., for Corinth, N.Y., as previously published, and (b) to indicate applicant's request for authority in (5) above.

SUPPORTING SHIPPER: Georgia-Pacific Corporation, Chemical Division, 800 Summer Street, Stamford, Conn. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 112223 (Sub-No. 94 TA), filed February 12, 1974. Applicant: QUICKIE TRANSPORT COMPANY, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Foundry coke*, from Milwaukee, Wis., to Virginia, Minn., for 180 days. SUPPORTING SHIPPER: Staver Foundry, 110 S. 10th St., Virginia, Minn. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 4th St., Minneapolis, Minn. 55401.

No. MC 115496 (Sub-No. 20 TA), filed February 12, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: Richard M. Tettelbaum, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, and Mississippi, for 180 days. SUPPORTING SHIPPER: Diboll Particleboard Division, Temple Industries, Inc., Diboll, Tex. 75941. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 117940 (Sub-No. 105 TA), filed February 11, 1974. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Anthony C. Vance, 111 E Street NW., Suite 501, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Logs of compressed wood, bark, or sawdust, and paper and paper products*, from Plymouth, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and Washington, D.C., and *return shipments* to Plymouth, N.C.; and (2) *woodpulp*, from Askin, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and Washington, D.C., and *return shipments* to Askin, N.C., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118202 (Sub-No. 31 TA), filed February 12, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and*

articles distributed by meat packing-houses (except commodities in bulk and hides), from Huron, S. Dak., to Buffalo and New York Mills, N.Y., and Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 123233 (Sub-No. 52 TA), filed February 13, 1974. Applicant: PROVOST CARTAGE INC., 7887 Second Avenue, Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caustic soda*, from the port of entry on the International Boundary line between the United States and Canada located at or near Rooseveltown, N.Y., to Rooseveltown, N.Y.; (2) *carbon bisulphide*, from the ports of entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., Ogdensburg, N.Y., Rooseveltown, N.Y., to Middleport, N.Y.; (3) *muratic acid*, from ports of entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., Ogdensburg, N.Y., Rooseveltown, N.Y., Trout River, N.Y., Champlain, N.Y., Highgate Springs, Vt., Derby Line, Vt., To Brewer, Maine, Essex Junction, Vt., Manchester, N.H., Newton, Mass., Portland, Maine, Providence, R.I., Rockland, Maine, and Winooski, Vt.; and (4) *sodium hydro-sulphide*, from ports of entry on the International Boundary line between the United States and Canada located at or near Rooseveltown, N.Y., Champlain, N.Y., and Highgate Springs, Vt., to Jay, Maine, and Ticonderoga, N.Y. Items (1), (2), (3), (4) restricted to traffic having an immediate prior movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: Canadian Industries Limited, 630 Dorchester Blvd. West, Montreal 101, Quebec, Canada. SEND PROTESTS TO: District Supervisor Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 124078 (Sub-No. 578 TA), filed February 12, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53125. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum furnace residue*, unsuitable for future metal extraction, in bulk, from Mount Pleasant, Tenn., to Cape Girardeau, Mo., for 180 days. SUPPORTING SHIPPER: American Recycle Company, P.O. Box 525, Mount Pleasant, Tenn. 38474 (Fred C. White, Executive Vice President). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations,

Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128030 (Sub-No. 58 TA), filed February 11, 1974. Applicant: THE STOUT TRUCKING CO., INC., R.R. #1—P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers and empty containers on return*; (1) from Milwaukee, Wis., to Clinton, Ind., Galesburg, Ill., Pekin, Ill., and Streator, Ill.; (2) from LaCrosse and Sheboygan, Wis., to Carterville, Ill., Clinton, Ind., Streator, Ill., and Taylorville, Ill.; and (3) from Bensonville, Ill.; Columbus, Ohio, Detroit, Mich., LaCrosse, Wis., Louisville, Ky., Newport, Ky., Peoria Heights, Ill., St. Louis, Mo., and Sheboygan, Wis., and Chicago, Ill., to Clinton, Ind., for 180 days. SUPPORTING SHIPPER: Pekin Distributing Co., Inc., 1208 Koch Street, Pekin, Ill. 61554; Rend Lake Beverages, Inc., P.O. Box 46, Carterville, Ill.; Sassatelli Distributing Co., R. R. Taylorville, Ill. 62568; Lowry Wholesale Beverage Co., 1301 North Ninth, Clinton, Ind. 47842; R. & B Distributing Co., 460 East Brooks, Galesburg, Ill. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128608 (Sub-No. 6 TA), filed February 8, 1974. Applicant: M. D. I. TRUCKING CORP., 307 Oliver Building, Pittsburgh, Pa. 15222. Applicant's representative: S. E. Wilmoth, P.O. Box 328, Washington, Pa. 15301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metering, measuring, recording, and controlling devices and materials, supplies and equipment used in the manufacture, repair, and distribution thereof*, between the plants of Rockwell International located at DuBois, Pa., and Uniontown, Pa., on the one hand, points in the United States on the other, and providing for the return of scrap devices from points in the United States to recycling plants of Vulcan Detinning Co., Neville Island, Pa., and Roessing Bronze Co., Mars, Pa. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Rockwell International of Pittsburgh, Pa., for 180 days. SUPPORTING SHIPPER: Rockwell International, 600 Grant Street, Pittsburgh, Pa. 15219. SEND PROTESTS TO: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 134477 (Sub-No. 54 TA), filed February 12, 1974. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, West St. Paul, Minn. 55165. Applicant's representative: Thomas Fisch-

bach, 5 West Mendota Road, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mankato, Kans., to Hartford, Conn., Boston, and Worcester, Mass., New York City, and New York City commercial zones as defined by the Commission, N.Y., Elizabeth and Philadelphia, Pa., and Providence, R.I., for 180 days. SUPPORTING SHIPPER: Dubuque Packing Company, R.F.D. 2, Mankato, Kans. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 110 S. 4th St., 448 Federal Building & U.S. Court House, Minneapolis, Minn. 55401.

No. MC 136647 (Sub-No. 14 TA), filed January 28, 1974. Applicant: GREEN MOUNTAIN CARRIERS, INC., Mailing: P.O. Box 1319, Albany, N.Y. 12201, Office: Carr Road, Dormansville, N.Y. 12055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in temperature controlled vehicles, except in bulk, from Hinesburg, Vt., to Seattle, Wash., Los Angeles, Calif., Denver, Colo., Houston, Tex., and Chicago, Ill., for 180 days. SUPPORTING SHIPPER: International Cheese Co., Inc., Hinesburg, Vt. 05461. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y.

No. MC 138115 (Sub-No. 3 TA), filed February 11, 1974. Applicant: FRANK D. CORBIN, 1308 Ambrose Drive, Winchester, Va. 22601. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap paper*, for recycling, from Hagerstown, Md., to Philadelphia, Pa., and Halltown, W. Va.; (2) *printed matter*, from Hagerstown, Md., to points in Arlington, Prince William, Fairfax, and Loudoun Counties, Va., and Delaware, Montgomery, and Philadelphia Counties, Pa., and the District of Columbia; and (3) *paper*, from points in Arlington, Prince William, and Fairfax Counties, Va., and Delaware, and Montgomery Counties, Pa., and Washington, D.C., to Hagerstown, Md., for 180 days. SUPPORTING SHIPPER: Michael L. Buracker, Production Manager, Hagerstown Bookbinding & Printing Co., Inc., 952 Frederick Street, Hagerstown, Md. 21740. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139477 (Sub-No. 1 TA), filed February 13, 1974. Applicant: JOHN JOSEPH JACOBS, doing business as

TRI-J TRUCKING, 1304 Elm Street, Doniphan, Mo. 63935. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Doniphan, Mo., to Wickliffe, Ky., for 180 days. SUPPORTING SHIPPER: Oklana Land Co., Route 1, Pollark, Ark. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4774 Filed 2-27-74;8:45 am]

[Notice 16]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 22, 1974.

The following applications (except as otherwise specifically noted) each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application, are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that

each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

No. MC 217 (Sub-No. 17), filed January 28, 1974. Applicant: POINT TRANSFER, INC., 5075 Navarre Road, SW., P.O. Box 1441, Canton, Ohio 44708. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant sites of the United States Steel Corporation located at or near Chicago and Joliet, Ill., to points in Ohio, those points in Pennsylvania on the west of U.S. Highway 219 and those in West Virginia on and north of U.S. Highway 50.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: April 16, 1974 (2 weeks), 9:30 a.m. local time, at Pittsburgh, Pa. in a hearing room to be later designated.

No. MC 8973 (Sub-No. 33) (Clarification), filed November 27, 1973, published in the FEDERAL REGISTER issue of January 17, 1974, and republished as clarified this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural clay products*, from Pike and Jackson Townships, located in Perry County, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate more clearly applicant's re-

quested origin points. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 25798 (Sub-No. 254), filed January 7, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, wood chips, lighter fluid, and fireplace logs*, from Ocala, Jacksonville, and Romeo, Fla., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control was approved in MC-F-8953. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 49368 (Sub-No. 92), filed January 21, 1974. Applicant: COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075. Applicant's representative: Walter N. Bienenman, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, (1) from Atlanta, Ga., to points in Missouri; and (2) from Doraville, Ga., to points in Missouri and Illinois, under a continuing contract or contracts with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 60756 (Sub-No. 8), filed January 16, 1974. Applicant: CRESCENT MOTOR LINE, INC., P.O. Box 2625, Spartanburg, S.C. 29302. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), from Charleston, S.C., Savannah and Port Wentworth, Ga., to points in South Carolina within 100 miles of Spartanburg, S.C., points in Georgia on and north of a line made by U.S. Highway No. 80 beginning at the Alabama-Georgia State line near Columbus, Ga., thence along U.S. Highway No. 80 to Macon, Ga., thence along Georgia Highway No. 49 to Milledgeville, Ga., thence along Georgia Highway No. 22 to Sparta, Ga., thence along Georgia Highway No. 16 to

Warrenton, Ga., thence along U.S. Highway No. 278 to Augusta, Ga. and the Georgia-South Carolina State line, and points in North Carolina on and north of a line made by U.S. Highway 1 from the North Carolina-South Carolina State line near Rockingham, N.C., to a point on the North Carolina-Virginia State line near Henderson, N.C.; and (2) *textile products, bagging, bags, and cotton-balling ties*, from points in South Carolina within 100 miles of Spartanburg, S.C., points in Georgia on and north of a line made by U.S. Highway No. 80 beginning at the Alabama-Georgia State line near Columbus, Ga., thence along U.S. Highway No. 80 to Macon, Ga., thence along Georgia Highway No. 49 to Milledgeville, Ga.; thence along Georgia Highway No. 22 to Sparta, Ga., thence along Georgia Highway No. 16 to Warrenton, Ga., thence along U.S. Highway No. 278 to Augusta, Ga. and the Georgia-South Carolina State line, and points in North Carolina on and north of a line made by U.S. Highway 1 from the North Carolina-South Carolina State line near Rockingham, N.C., to a point on the North Carolina-Virginia State line near Henderson, N.C., to Charleston, S.C. and Savannah and Port Wentworth, Ga.

NOTE.—Applicant presently lacks the operating authority held in Certificate MC-60760 with that in No. MC-60756 Sub-No. 4 gatewaying through Spartanburg or Lyman, S.C. and performing service on general commodities from the cities named in certificate No. MC-60756 such as Charleston, S.C., Savannah and Port Wentworth, Ga. to points in the states of South Carolina, North Carolina, and Georgia as described in the first paragraph of certificate MC-60756 Sub-No. 4. In the reverse direction, it transports shipments of textile products, bagging, bags, and cotton-balling ties, over irregular routes, from points in North Carolina, Georgia and South Carolina within 100 miles of Spartanburg, S.C., the general territory described in certificate MC-60756 Sub-No. 4 to Charleston, S.C. and Savannah and Port Wentworth, Ga. The primary purpose of this application is to eliminate the gateways of Spartanburg and Lyman, S.C. and permit operation direct over the shorter routes. This would permit direct operation between Charleston, S.C., Savannah and Port Wentworth, Ga., on the one hand, and points in the territories in North Carolina, Georgia and South Carolina as so described herein. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Atlanta, Ga.

No. MC 75320 (Sub-No. 171), filed January 21, 1974. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

those injurious or contaminating to other lading), serving the Holiday Industrial Park, located in De Soto County, Miss., as an off-route point in connection with applicant's regular-route operations to and from Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss. or Memphis, Tenn.

No. MC 77016 (Sub-No. 13), filed January 21, 1973. Applicant: BUDIG TRUCKING CO., a corporation, 1100 Gest Street, Cincinnati, Ohio 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between junction of Kentucky Highway 10 and Kentucky Highway 57 and the junction of Kentucky Highway 57 and Kentucky Highway 8: From junction of Kentucky Highway 10 and Kentucky Highway 57, over Kentucky Highway 57 to junction of Kentucky Highway 57 and Kentucky Highway 8, serving all intermediate points, and return over the same route; and (2) Between Vanceburg, Ky. and Trinity, Ky.: From Vanceburg, Ky., over Kentucky Highway 8 to Trinity, Ky., serving all intermediate points, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio, or Frankfort, Ky.

No. MC 78228 (Sub-No. 48), filed December 21, 1973. Applicant: J MILLER EXPRESS, INC., 152 Wabash, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation located at Lackawanna, N.Y., to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in the base certificate at Lackawanna, N.Y. to provide a through service from points in Ohio, specified points in Pennsylvania and West Virginia and Ashland, Ky. to the destination points named herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 79999 (Sub-No. 12), filed January 14, 1974. Applicant: E. JACK WALTON TRUCKING COMPANY, 13020 Sarah Lane, P.O. Box 9776, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit and couplings, fittings and attachments*, for pipe and conduit, from the plantsite and facilities of Johns-Manville Products Cor-

poration at or near Denison, Tex., to points in Arkansas, and Colorado.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Texas.

No. MC 82492 (Sub-No. 89) (Amendment), filed October 25, 1973, published in the FEDERAL REGISTER issue of December 13, 1973, and republished as amended this issue. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from points in Indiana and the Lower Peninsula of Michigan, to Sterling, Ill. and points in Illinois located on and south of Interstate Highway 74 (except Champaign, Ill.); and (2) *drugs, plastic articles, and rubber articles* (except commodities in bulk) when moving at the same time and in the same vehicle in mixed shipments with foodstuffs, from the facilities utilized by Ross Laboratories at or near Sturgis, Mich., to Sterling, Ill. and points in Illinois located on and south of Interstate Highway 74 (except Champaign, Ill.), restricted in (1) and (2) above to traffic originating at the origin point or territory and destined to the named destination territory.

NOTE.—The purpose of this republication is to indicate the amended request for authority as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 82841 (Sub-No. 136), filed January 18, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from Newcastle, Wyo., to points in Pennsylvania and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 85934 (Sub-No. 65), filed January 9, 1974. Applicant: MICHIGAN TRANSPORTATION CO., a corporation, 3601 Wyoming, Dearborn, Mich. 48120. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsites and facilities of the Dow Chemical Company at or near Midland, Mich., Hanging Rock, Ohio, Pevely, Mo., and Channahon Township (Will County), Ill. to points in the United States on and east of U.S.

Highway 85, restricted to traffic originating at the above named plantsites and facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 699), filed January 11, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amusement rides on undercarriages*, from San Antonio, Tex., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 107515 (Sub-No. 890), filed January 18, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, foods not fit for human consumption, and animal and pet foods* (except commodities in bulk), from Logansport, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 597 at Logansport, Ind., on frozen foods and specified frozen foods, in vehicles equipped with mechanical refrigeration to provide through service from various points in New Jersey and points in Michigan to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Chicago, Ill. or Washington, D.C.

No. MC 107515 (Sub-No. 891), filed January 18, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from Grand Forks, N. Dak., to points in Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina and Tennessee.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Louisville, Ky., to serve points in the Northeastern United States. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.; Fargo, N. Dak. or Atlanta, Ga.

No. MC 109324 (Sub-No. 26), filed January 18, 1974. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 969, Harrison, Ark. 72601.

Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Conway, Ark., and East St. Louis, Ill., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations between Conway, Ark., and East St. Louis, Ill., serving no intermediate points: From Conway over U.S. Highway 64, to its junction with U.S. Highway 67, thence over U.S. Highway 67 to its junction with Interstate Highway 55, thence over Interstate Highway 55 to East St. Louis, Ill., and return over the same routes.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 109689 (Sub-No. 262), filed January 21, 1974. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in containers, from Solar, Utah, to points in incorporated towns and cities in New Mexico; and (2) *sodium chlorate*, in bulk, from Henderson, Nev., to points in Tulare, Fresno, Kern, Kings, Madera, and Merced Counties, Calif.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 110420 (Sub-No. 697), filed January 23, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53518. Applicant's representative: E. Stephen Heasley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Zion, Ill., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 307), filed December 10, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden or metal curtain rods*, with or without fixtures or

accessories, from Scottsville, Ky., to points in Arkansas, California, Colorado, Arizona, Idaho, Iowa, Kansas, Missouri, Montana, New Mexico, North Dakota, Minnesota, Nevada, Louisiana, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, Wisconsin, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or St. Louis, Mo.

No. MC 114045 (Sub-No. 392), filed January 17, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic equipment, unexposed photographic film, photographic plates, photographic chemicals, advertising matter and packaging materials*, from Parlin, N.J., to points in Dallas, Tex. and Burbank, Calif.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 114273 (Sub-No. 162), filed January 23, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Ave., N.E.P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co. Inc., at Cherokee, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at and destined to the points named above.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116503 (Sub-No. 6), filed January 18, 1974. Applicant: B. R. SCHOLL & SONS, INC., 2301 Fifth Street, Perkasio, Pa. 18944. Applicant's representative: Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18966. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk and in bags, from Solvay, N.Y., to points in Maryland.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or New York, N.Y.

No. MC 117574 (Sub-No. 234), filed January 17, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment designed for use in conjunction with tractors*; (3) *agricultural, industrial, and construction machinery and equipment*; (4) *trailers designed for the transportation of the above-described commodities* (except those trailers designed to be drawn by passenger automobiles); (5) *attachments for the above-described commodities*; (6) *internal combustion engines*; (7) *parts of the above-described commodities when moving in mixed loads with such commodities*; and (8) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) through (7) above, between Lexington, Nebr., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic (a) originating at Lexington, Nebr., and destined to points in the above-named States or (b) originating at points in the above-named States and destined to Lexington, Nebr., except that the restrictions in (a) and (b) shall not apply to traffic moving in foreign commerce.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 117815 (Sub-No. 222), filed January 2, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Indiana, to points in Iowa, Nebraska, Missouri, Kansas, and points in Illinois located in the Davenport, Iowa-Rock Island and Moline, Ill. Commercial Zone, restricted to the transportation of shipments originating at points in the named origin state and destined to points in the named destination states.

NOTE.—Common control was approved in MC-F-11497. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Chicago, Ill.

No. MC 118610 (Sub-No. 20), filed January 2, 1974. Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *(a) Buildings, complete, knocked down or set up; (b) building sections and building panels; (c) metal prefabricated structural components and panels; and (d) parts and accessories used in the installation of the commodities named in (a), (b), (c) above, from the plantsites of Kirby Building Systems, Inc., at or near Portland, Tenn., to points in the United States (except Alaska and Hawaii), and (2) materials, equipment and supplies used in the manufacture of buildings and parts thereof, from points in the United States (except Alaska and Hawaii), to the plantsites of Kirby Building Systems, Inc. at or near Portland, Tenn.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Louisville, or Frankfort, Ky., or Nashville, Tenn.

No. MC 118989 (Sub-No. 105), filed January 21, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers, container ends and container accessories, from Shoreham, Mich., to Springdale, Ark., and Neosho, Mo.; and (2) materials, and supplies used in the manufacture and distribution of metal containers, container ends and container accessories (except commodities in bulk and those which because of size or weight require the use of special equipment), from Springdale, Ark. and Neosho, Mo., to Shoreham, Mich.*

NOTE.—Applicant states that the requested authority can be tacked with this existing authority on containers in Sub-No. 37 at Shoreham, Mich. to provide a through service from the plant and warehouse sites of Inland Steel Container Company at Alsip, Ill. to Springdale, Ark. and Neosho, Mo. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119399 (Sub-No. 40), filed January 21, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sifton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages, in containers and related advertising matter, (a) from Memphis, Tenn., to points in Missouri (except Joplin, Mo.), (b) from St. Joseph, Mo., to points in Arkansas, (c) from Peoria, Ill., to Butler, Mo. and points in Arkansas (except Blytheville and Hot Springs, Ark.), (d) from St. Paul, Minn., to points in Arkansas, (e) from Belleville, Ill., to*

Memphis, Tenn., and (f) from St. Louis, Mo., to points in Arkansas; and (2) *empty containers, from the destination points named in 1 (a) through (f) to their respective origin points.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 119669 (Sub-No. 44), filed January 14, 1974. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, from the plantsite and warehouse facilities of or utilized by Banquet Foods Corporation at or near Wellston, Ohio, to points in Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Maryland, Delaware, District of Columbia, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above named origin and destined to the named destination points.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 119767 (Sub-No. 306), filed January 23, 1974. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th Street NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and non-frozen, and non-edible foods (except commodities in bulk), from Logansport, Ind., to Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Dakota, and Wisconsin.*

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 307), filed January 23, 1974. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th Street NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, from the plantsite and warehouse facilities of Western Potato Service, Inc., at Grand Forks, N. Dak., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.*

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub-No. 193), filed January 21, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products (except in bulk), from Duryea, Pa., to points in Missouri, Colorado, Kansas, California, Oregon, Texas, and Louisiana.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilkes-Barre, Pa. or Dallas, Tex.

No. MC 119908 (Sub-No. 22), filed January 21, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings, complete, knocked down, or in sections, and parts and accessories therefore, from Portland, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Texas, and (2) iron and steel articles, between Portland, Tenn. and Houston, Tex.*

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn. or Birmingham, Ala.

No. MC 123872 (Sub-No. 19), filed January 23, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsites and storage facilities of Swift & Company located at or near Grand Island, Nebr., and Des Moines, Glenwood, Sioux City, Marshalltown and Ames, Iowa; to points in Georgia, North Carolina, South Carolina, Tennessee and Virginia, restricted to the transportation of traffic originating at the named origins and destined to the named destination states.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte or Hickory, N.C. or Washington, D.C.

No. MC 123993 (Sub-No. 32), filed January 17, 1974. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504,

Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and mineral feed mixtures*, from the plantsite of Cargill, Inc. located at Anse la Butte and Baldwin, La., to points in Arkansas, Louisiana and Texas.

NOTE.—Applicant holds contract carrier authority in MC-41116 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 125474 (Sub-No. 42), filed January 21, 1947. Applicant: BULK HAULERS, INC., P.O. Box 3601, Wilmington, N.C. 28401. Applicant's representative: Stan E. McCormick, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl teraphthalate*, from the plant site of E. I. DuPont de Nemours and Co., located in Brunswick County, N.C., to points in South Carolina, Tennessee and Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125925 (Sub-No. 13), filed January 21, 1974. Applicant: SAM TOWLER, 3319 Colins Street, Annandale, Va. 22003. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone dust* from LeGore, Md., to the plant site of Leesburg Concrete Block, Inc. located on Virginia Highway 653 near Leesburg, Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126276 (Sub-No. 85) (Correction), filed August 27, 1973, published in the FEDERAL REGISTER issue of October 31, 1973, and republished as corrected in this issue. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 20 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Container closures, container components, materials, and supplies* used in selling, manufacture and distribution of containers, (1) from the plantsites and/or warehouse sites of American Can Company located at Atlanta, Ga.; Baltimore, Md.; Chambersburg, Pa.; Darlington, S.C.; Easton, Pa.; Edison, N.J.; Fairport, N.Y.; Forks Township, Pa.; Hillside, N.J.; LeMoyné, Pa.; Morrisville (Bucks County), Pa.; Needham, Mass.; New Castle, Del.;

Philadelphia, Pa.; and Washington, N.J.; to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee and Wisconsin; and (2) between the plant sites and/or warehouse sites of American Can Company, located at Fort Smith, Ark.; Lexington, Ky.; and Darlington, S.C., under contract in (1) and (2) with American Can Company.

NOTE.—The purpose of this republication is to indicate additional destination points in (1) above at Fairport, N.Y.; Forks Township, Pa.; and Hillside, N.J. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127274 (Sub-No. 41), filed January 14, 1974. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs*, frozen and non-frozen, and *non-edible foods* (except commodities in bulk), from Logansport, Ind., to points in Kentucky, Tennessee, Georgia, Alabama, North Carolina, South Carolina, Mississippi, Louisiana, Arkansas, Oklahoma, and Missouri (except St. Louis).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127274. (Sub-No. 42), filed January 18, 1974. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and rock wool*, from Alexandria, Ind., to points in Arkansas, Missouri, South Carolina, North Carolina, Virginia, Pennsylvania, Mississippi, Georgia, Alabama, West Virginia, Iowa, Wisconsin, Kansas and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127505 (Sub-No. 61) (Correction), filed January 2, 1974, published in the FEDERAL REGISTER issue of February 7, 1974, and republished as corrected this issue. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs* (except meats, meat products, meat by-products and dairy products), (a) from Plainview, Minn.; and Bloomer and Manitowoc, Wis., to points in Illinois, Indiana, Kentucky, Ohio, and points in Iowa and Missouri on and east of U.S. Highway 61 and (b) from Renville County, Minn., to

points in Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin, points on and east of U.S. Highway 51, and Iowa and Missouri, points on and east of U.S. Highway 61, restricted to traffic originating at the above-named origins and destined to the above-named destinations. Note: The purposes of this republication are (1) to indicate the origin of Renville County, Minn. in part (b) as described above, in lieu of Kenville County, Minn. which was previously published in error and (2) to indicate the origin of part (a) as Plainview, Minn., in lieu of Planview, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 62), filed January 18, 1974. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, (a) from Morris, Ill., to points in Indiana, Kentucky, and Missouri; and (b) from Normal, Ill., to points in Alabama, Florida, Georgia, Kentucky (except Louisville), New Jersey, New York, Pennsylvania, South Carolina, and Anderson, Ind., and Cincinnati, Circleville, and Cleveland, Ohio; (2) *scrap paper*, from Monroe, Wis., to Morris, Ill.; and (3) *water cooling air conditioner towers and pipe type condensers, equalizers and exchangers*, from Paxton, Ill., to points on and east of U.S. Highway 85, and in and west of Ohio, Kentucky, Tennessee, and Alabama, (1), (2) and (3) restricted against the transportation of commodities in bulk and those which because of size or weight require special equipment or handling.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 97). (Correction), filed January 2, 1974, published in the FEDERAL REGISTER issue of February 7, 1974, and republished as corrected this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in connection with the installation, erection, and construction of buildings, building panels and building parts, from Portland, Tenn., to points in and east of Texas, Oklahoma, Missouri, Iowa and Minnesota.

NOTE.—The purpose of this republication is to indicate that applicant seeks to serve points in and east of Texas, Oklahoma, Missouri, Iowa, and Minnesota as described

above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Nashville, Tenn.

No. MC 128273 (Sub-No. 150), filed January 17, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber products, and such other commodities*, as are manufactured, processed, and/or dealt in by rubber manufacturers (except commodities in bulk), from Gadsden, Ala., to points in Illinois, Indiana, Michigan, Wisconsin, and points in the United States on and west of a line beginning at the Louisiana-Mississippi State Boundary line to its intersection with the Mississippi River, and extending northward along the Mississippi River to its intersection with the Minnesota-Wisconsin State Boundary line to its intersection with the International Boundary line between the United States and Canada, (except Alaska and Hawaii), and (2) *tires, and equipment, material and supplies*, used in the manufacture and distribution of rubber products, and other commodities, as are manufactured and processed and/or dealt in by rubber manufacturers, (except commodities in bulk), from points in Illinois, Indiana, Michigan, Wisconsin, and points in the United States on and west of a line beginning at the Louisiana-Mississippi State Boundary line to its intersection with the Mississippi River, and extending northward along the Mississippi to its intersection with the Minnesota-Wisconsin State Boundary line, thence along the Minnesota-Wisconsin State Boundary line to its intersection with the International Boundary line between United States and Canada, (except Alaska and Hawaii) to Gadsden, Ala.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio.

No. MC 128497 (Sub-No. 16), filed January 21, 1974. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Wilson and Co., located at or near Cherokee, Iowa, to points in Indiana, Michigan, Ohio and Wisconsin, restricted to the transportation of traffic originating at the above named origin and destined to the name destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128746 (Sub-No. 13), filed January 16, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3222-44 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and (2) *related advertising materials*, from Latrobe, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at (a) New York, N.Y., to serve Philadelphia, Pa.; (b) from Philadelphia to serve points in Maine, New Hampshire, Vermont, New Jersey, Detroit, Mich., Waukesha, Wis., and points in Philadelphia County. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129350 (Sub-No. 36) (Correction), filed November 12, 1973, published in the FEDERAL REGISTER issue of December 20, 1973, and republished, as corrected, this issue. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk, in tank vehicles), from Chicago, Ill. and points in its Commercial Zone, and Ringwood, Ill., Minneapolis and St. Paul, Minn., Rapid City and Sioux Falls, S. Dak., Midland and Ludington, Mich., Madison, Hudson and Janesville, Wis., Painesville, Ohio, and Westvaco, Wyo., to Helena, Butte and Billings, Mont.; (2) *dry cleaning and janitorial supplies* (except in bulk in tank vehicles) from Chicago, Ill., and points in its Commercial Zone, and Peoria, Ill., Madison, Wis., Sioux Falls, and Rapid City, S. Dak. to Billings and Helena, Mont.; and (3) *dry cleaning and janitorial supplies*, from Helena, Mont., to Sioux Falls, and Rapid City, S. Dak., and Champaign and Clinton, Ill.

NOTE.—The purpose of this republication is to correctly indicate applicant's requested authority in (2) and (3) above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Helena, Mont.

No. MC 133304 (Sub-No. 5), filed January 21, 1974. Applicant: WILLIAM REMINES, JR., doing business as WM. REMINES, JR., P.O. Box 352, Bluefield, Va. 24605. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Dairy products, fruit juices, and fruit drinks*, when moving with dairy products, and *empty metal baskets* on return, from Bluefield, Va., to Logan, W. Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133566 (Sub-No. 35), filed January 21, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), in vehicles equipped with mechanical temperature controls, from the facilities utilized by Green Giant, Inc., located at or near Lafayette, Ind. to Belvidere, Ill., restricted to traffic originating at the above named facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 133566 (Sub-No. 36), filed January 21, 1974. Applicant: GANGLOFF AND DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the plantsite and storage facilities of Castle and Cooke Foods at New York City, N.Y. and Baltimore, Md. to points in New York, Ohio, Indiana, Michigan and Illinois, restricted to traffic originating at the above named plantsites and storage facilities of Castle and Cooke Foods.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 133689 (Sub-No. 39), filed January 17, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street, S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fergus Falls, Minn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC-76025 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 133689 (Sub-No. 40), filed January 17, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street, S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Paul and South St. Paul, Minn., to points in Tennessee, North Carolina and South Carolina.

NOTE.—Applicant holds contract carrier authority in MC-76025 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 133832 (Sub-No. 1), filed January 17, 1974. Applicant: A. D. S. TRUCKING, INC., 217 West Nicholas Street, Hicksville, N.Y. 11801. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earthenware, chinaware, glassware, cutlery, silverware, utensils, advertising material, store display racks, boxes and books*, (a) from points in the New York, N.Y., Commercial Zone and Nassau County, N.Y., to points in Nassau, Suffolk, Westchester, Dutchess, Putnam, Rockland, Orange, and Sullivan Counties, N.Y., and New York, N.Y.; and (b) from points in the New York, N.Y., Commercial Zone and Nassau County, N.Y., to points in Connecticut and New Jersey; and (2) *returned shipments* of the commodities specified herein above, from points in the above-described destination points to their respective origins under a continuing contract, or contracts with Sigma Marketing Systems, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134599 (Sub-No. 100), filed January 21, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 7348, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical compounds, chemical agricultural products, plastic materials, boots and shoes, carpet cushioning, rug underlay, latex, rubber products, materials and supplies*,

used in the manufacture and production thereof, (except commodities in bulk or which, because of size or weight require special handling or special equipment), between Beacon Falls, Waterbury, Waterville and Oakville, Conn., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 102), filed January 21, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, 265 W. 2700 South, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and miscellaneous plastic articles* manufactured and distributed by Standard Plastics, a division of Mattel, Inc., and *materials, parts and supplies* used in the manufacture of these items (except commodities in bulk or which, because of size or weight require special handling or special equipment), between Metuchen and South Plainfield, N.J., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Minnesota, and Missouri, under a continuing contract with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134645 (Sub-No. 7), filed January 17, 1974. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue So., St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fergus Falls, Minn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC-124071 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 134681 (Sub-No. 2), filed January 11, 1974. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Road, Charlotte, N.C. 28211. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box

82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil and propane*, from points in Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, District of Columbia, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, New York, and Maine, to Grapeland, Tex.; Darlington and Florence, S.C.; Fort Payne, Ala.; Norfolk, Nebr.; and St. Joe, Ind., under a continuing contract or contracts with Nucor Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135372 (Sub-No. 1), filed January 16, 1974. Applicant: REGIONAL TRANSPORTATION, INC., 101 Reserve Road, Hartford, Conn. 06114. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the plants and facilities of Dubuque Packing Company located at or near Mankato and Wichita, Kans., to the plant and facilities of Regional Beef Company, Inc., in Hartford, Conn., under contract with Martin Shapiro.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Boston, Mass.

No. MC 135530 (Sub-No. 3), filed January 22, 1974. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical and electronic supplies, equipment, fittings and accessories, metals and metal products, and wire and wire products*, (except commodities in bulk, in tank vehicle), between plantsite of Deco-West, doing business as Lake Center Industries-Chippewa Falls, Wis., on the one hand, and, on the other, Minneapolis, Winona and Lewiston, Minn.; Decorah, Iowa and Chicago, Ill. and (2) *equipment, materials and supplies* used in manufacturing, processing and repairing the above-described commodities, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Virginia and West Virginia, to the plantsite

of Deco-West, doing business as Lake Center Industries, Chippewa Falls located at or near Chippewa Falls, Wis., under a continuing contract or contracts with Deco-West, doing business as Lake Center Industries-Chippewa Falls.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul or Winona, Minn.

No. MC 135833 (Sub-No. 13), filed January 18, 1974. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, Ind. 46219. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Structural steel*, between the plant and warehouse sites of the divisions of Debron Corporation located at Aurora and Decatur, Ill.; Lansing, Mich.; St. Louis, Mo.; and Chattanooga, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, restricted to traffic originating at and destined to the above named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 136008 (Sub-No. 20), filed December 28, 1973. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23rd Street, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from the Plantsite of Monticello Stream Electric Generating Station located 8 miles southwest of Mt. Pleasant, Tex., to points in Colorado, Kansas, Louisiana, New Mexico, and Oklahoma; and (2) from the Plantsite known as Big Brown Steam Electric Station, located 12 miles northeast of Fairfield, Tex., to points in Louisiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 136343 (Sub-No. 23), filed January 22, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17487. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and plywood, and materials, accessories*

and supplies used in the sale or installation of composition board and plywood, from the facilities of the Abitibi Corporation located at or near Highspire, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 138157 (Sub-No. 11), filed January 23, 1974. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, a corporation, 4284 Mission Boulevard, Pomona, Calif. 91766. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper and aluminum wire, cable and rod and steel wire*, from Carrollton, Ga., to points in New Mexico, Arizona, Colorado (except Denver), Wyoming, Montana, Idaho, Utah, Nevada, Washington, Oregon, (except Portland), and California (except Los Angeles and San Francisco).

NOTE.—Applicant holds contract carrier authority in MC 134150, but indicates dual operations are not involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138313 (Sub-No. 7), filed January 14, 1974. Applicant: MACK E. BURGESS doing business as BUILDERS TRANSPORT, 409 14th Street, S.W., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, from points in Tooele County, Utah, to points in Montana; (2) *brick, tile and clay products*, from points in Morton County, N. Dak., to points in Montana and Wyoming; (3) *concrete and pumice block*, from points in Montana, to points in Wyoming; (4) *brick, tile, clay products, stone, concrete products, and materials and supplies* used in the installation, and application thereof, from points in Montana, to points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan and British Columbia, Canada; and (5) *lumber, lumber mill products, asphalt, asphalt products and fiberboard*, from points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan, and British Columbia, Canada, to points in Washington, Oregon, Idaho, Montana and North Dakota restricted against the transportation of commodities originating in British Columbia.

NOTE.—Applicant seeks by this application to convert its Permit in MC 126780 (Sub-Nos. 3, 7, and 9), into a Certificate of Public Convenience and Necessity. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 138519 (Sub-No. 1), filed January 18, 1974. Applicant: ROMANS DRYWALL EXPRESS, INC., Route No. 1, Yutan, Nebr. 68073. Applicant's representative: Donald L. Stern, 7100 West Center Road, Suite 530, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and building materials, and materials, equipment and supplies* used in the manufacture, distribution, installation and application of such products (except commodities in bulk), between Fort Dodge, Iowa, and points within its Commercial Zone, on the one hand, and, on the other, points in Colorado, South Dakota, Nebraska, Kansas, Iowa, Missouri, and Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138627 (Sub-No. 3) (Amendment), filed November 13, 1973, published in the FEDERAL REGISTER issue of December 20, 1973, and republished as amended this issue. Applicant: SMITHWAY MOTOR EXPRESS, P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles* from points in Iowa, to Kansas City and St. Louis, Mo.; Chicago, South Beloit, and Alton, Ill.; Minneapolis, Minn., and their respective commercial zones.

NOTE.—Common control may be involved. The purpose of this republication is to substitute Alton, Ill. as a destination point in lieu of Wood River, Ill. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Des Moines, Iowa.

No. MC 138872 (Sub-No. 1), filed January 17, 1974. Applicant: ART ARMSTRONG TRUCKING, 162 Vimy Road, Bible Hill, Colchester County, Nova Scotia, Canada. Applicant's Representative: Wilfred P. Moore, c/o Chandler & Moore, 19 Alma Crescent, Suite 205, The Village Centre, Fairview, Halifax, Nova Scotia, Canada, B3N 2C4. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New tires*, from the port of entry on the International Boundary Line between the United States and Canada located at or near Calais, Maine, to Woodland, Maine, restricted to traffic having a prior or subsequent movement by rail, under contract with Michelin Tire Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 138892 (Sub-No. 2), filed November 20, 1973. Applicant: BRUCE D. KING, 202 Cliff Street, Mohawk, Mich. 49950. Applicant's representative: Robert W. Hansley, 120 North 6th Street, Escanaba, Mich. 49829. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and bark*, in bulk, from points in Keweenaw County, Mich., to Mellen, Wis., and points within its Commercial Zone and to manufacturing plants located at or near Goodman, Wis.

NOTE.—If a hearing is deemed necessary, applicant does not designate a point other than requesting Michigan, Wisconsin or Illinois.

No. MC 139042 (Sub-No. 1) (Correction), filed November 19, 1973, published in the FEDERAL REGISTER issue of January 31, 1974, and republished as corrected this issue. Applicant: DON KING, doing business as KING GRAIN CO., 206 N.E. 18th, Guymon, Okla. 73942. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuff and livestock feedstuff ingredients*, from points in Oklahoma, New Mexico, Texas, Kansas and Colorado, to points in Cimmaron, Texas, Beaver and Harper Counties, Okla. and Seward County, Kans.

NOTE.—The purpose of this republication is to indicate that applicant seeks to include points in Cimmaron and Texas Counties, Okla., within its destination territory, in lieu of Cimmaron, Tex., as previously published in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Guymon, Okla. or Lubbock, Tex.

No. MC 139123 (Sub-No. 1), filed January 21, 1974. Applicant: GLOUCESTER DISPATCH INC., P.O. Box 799, Gloucester, Mass. 01930. Applicant's representative: John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cake mixes, icing powders, frosting mixers, and baking mixes*, from the plant sites and storage facilities of Chelsea Milling Co., located at or near Chelsea, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Gloucester or Boston, Mass.

No. MC 139341 (Sub-No. 1), filed January 21, 1974. Applicant: J. J. PERRY AND EDWARD BAILEY, a Partnership, doing business as P & B TRUCKING COMPANY, RFD, Horn Lake, Miss. 38637. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Brewers grain*, in bulk, in dump-type vehicles, from the plant site of The Joseph Schlitz Brewing Company located at or near Memphis, Tenn., to the plant site and storage facilities of Murphy Products Co., Inc. located at or near Olive Branch, Miss.; (2) *brewers grain and animal feed*, in bulk, in dump-type vehicles, from the plant site and storage facilities of Murphy Products Co., Inc. located at or near Olive Branch, Miss., to points in Alabama, Arkansas, Kentucky, Missouri and Tennessee; and (3) *brewers yeast*, in bulk, in tank vehicles, from the plant site of The Joseph Schlitz Brewing Company located at or near Memphis, Tenn., to the plant site and storage facilities of Murphy Products Co., Inc. located at or near Olive Branch, Miss., (1) through (3) under a continuing contract or contracts with Murphy Products Co., Inc. of Burlington, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 139437 filed December 26, 1973. Applicant: RAFAEL BENZAN, doing business as, LA BORNICANA TRAVEL AGENCY, INC., 403 Massachusetts Avenue, Cambridge, Mass. 02139. Applicant's representative: E. McPherson Williams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Massachusetts, Connecticut, New York and Pennsylvania, to New York, N.Y., Boston, Mass., and points in Florida, restricted to the transportation of traffic having an immediate subsequent movement by ship or air in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 139443 filed January 14, 1974. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Cordell H. Haymon, 101 St. Ferdinand St., Suite 101, Baton Rouge, La. 70801. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, those requiring special equipment, Classes A and B explosives, and household goods as defined by the Commission), Between New Orleans, La. and Vicksburg, Miss.: From New Orleans over U.S. Highway 61 to Vicksburg, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 139450, filed January 22, 1974. Applicant: WAGNER TRANSPORTATION AND DISTRIBUTION CO., INC., 315 North 14th St., Kenilworth, N.J. 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Corrugated containers, sheets, partitions, pulpboard and wrappers*, between the facilities of MacMillan Bloedel Containers Inc., at or near Union, N.J., on the one hand, and on the other, points in New York, N.Y., Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y., under a continuing contract with MacMillan Bloedel Containers Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 139452, filed January 18, 1974. Applicant: ARROW VAN LINES, INC., 3325 North El Paso Street, Colorado Springs, Colo. 80907. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Colorado, restricted to transportation of traffic having a prior or subsequent movement in containers and further restricted to performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139454, filed January 21, 1974. Applicant: AGRI TRUCKING, INC., 910 South Dexter Street, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, (except frozen feed ingredients and liquid commodities in bulk in tank vehicles), between points in the United States (except Alaska and Hawaii), under continuing contract with Wellens and Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139464, filed January 21, 1974. Applicant: BASS TRANSPORT, INC., 9223 Timberlake Rd., Lynchburg, Va. 24502. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) (a) from the plant or warehouse facilities of the Hickory Chair Company and Venture Furniture Company, Divisions of the Lane Company at or near Hickory, N.C., (b) from the plant or warehouse facilities of the Lane Company and Clyde Pearson Company, Division of the Lane Company, at or near High Point, N.C., and (c) from the plant or warehouse facilities of Hickory Tavern Furniture Company and Brington Furniture Company, Divisions of the Lane Company, in Catawba County, at or near Conover, N.C., to points in Arizona, California, Nevada, Utah, Idaho, Montana,

Oregon, Washington, and Wyoming; and (2) from the plant or warehouse facilities of the Lane Company at or near Altavista, Va., and Rocky Mount, Va., to points in Idaho, Montana, Oregon, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139466, filed January 22, 1974. Applicant: JOHNSON'S MILL & ELAVATOR, INC., P.O. Box 448, Amherst, Wis. 54406. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used, and abandoned vehicles and replacement vehicles and parts and equipment* therefor, (1) between points in Clark, Juneau, Marathon, Portage, Waupaca, Waushara and Wood Counties, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) from points in the United States (except Alaska and Hawaii), to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison or Wisconsin Rapids, Wis.

No. MC 139467, filed January 17, 1974. Applicant: LONG TRANSPORT, INC., P.O. Box 96, Rusk, Tex. 75785. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry livestock and poultry feed, and feed ingredients*, (1) from points in Arkansas, Louisiana, and Mississippi, to points in Texas, and (2) from Ft. Worth and Sherman, Tex., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Ft. Worth, Tex.

No. MC 139496, filed January 22, 1974. Applicant: TWIN RIVERS TRANSPORT, INC., P.O. Box 709, Wallace, Idaho 83873. Applicant's representative: Alden Hull (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine, mill, smelter, and refinery machinery, equipment and supplies, ore and ore concentrates, metals, chemicals, petroleum products in packages, coal, coke, quarried and rock products and containers* when the foregoing commodities are moving therein, between points in Washington, Oregon, Idaho, California, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, Nevada, and Alaska under contracts with The Bunker Hill Company of Kellogg, Idaho; Helca Mining Company of Wallace, Idaho and American Smelting and Refining Co. of Wallace, Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 139497, filed January 21, 1974. Applicant: UFT TRANSPORT COM-

PANY, a Corporation, P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions and aluminum formed sheet products*, from Irving, Tex. to points in the United States (except Alaska and Hawaii), under a continuing contract with Architectural Fabricators Division of Aluminum Manufacturing Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 139509, filed January 14, 1974. Applicant: BONANZA MOVING & STORAGE CO., INC., 4585 Ironton Street, Denver, Colo. 80239. Applicant's representative: Joseph F. Nigro, 400 Denver Hilton Office Building, 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, in containers, between points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

PASSENGER APPLICATIONS

No. MC 3647 (Sub-No. 451), filed February 19, 1974. Applicant: TRANSPORT OF NEW JERSEY, a corporation, 180 Boyden Ave., Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers; (1) Between West New York and Union City, New Jersey, serving all intermediate points: From the junction of 48th Street and Bergenline Avenue, West New York, New Jersey over Bergenline Avenue, to the junction of 32nd Street and Bergenline Avenue, Union City, New Jersey; and return from the junction of 32nd Street and New York Avenue, Union City, New Jersey, over New York Avenue to the junction of 48th Street, West New York, New Jersey, thence over 48th Street to junction of Bergenline Avenue, West New York, New Jersey; (2) Between North Bergen and Fort Lee, New Jersey, serving all intermediate points: From the junction of John F. Kennedy Boulevard and Bergenline Avenue, North Bergen, New Jersey, thence via Bergenline Avenue to Anderson Avenue, Fairview, New Jersey, thence over Anderson Avenue via Fairview, Cliffside Park and Fort Lee, New Jersey, to the junction of Main Street, Fort Lee, New Jersey, thence over Main Street to the junction of Center Avenue, Fort Lee, New Jersey, and return over the same route;

(3) Between points in Fort Lee, New Jersey, serving all intermediate points: (a) From the junction of Anderson Ave-

nue and MacKay Drive, over MacKay Drive to the junction of Center Avenue, thence over Center Avenue to the junction of South Marginal Road (N.J. Highway No. 4), thence over South Marginal Road (N.J. Highway No. 4) to the junction of Lemoine Avenue, thence over Lemoine Avenue to the junction of Main Street, thence over Main Street to the junction of Center Avenue, returning over Center Avenue to the junction of MacKay Drive, thence over MacKay Drive to the junction of Anderson Avenue; (b) From the junction of South Marginal Road (N.J. Highway No. 4), Kelby Street and Center Avenue, over Center Avenue to junction of Cross Street, thence over Cross Street to junction of Fletcher Avenue, (U.S. Highway No. 9-W), thence over Fletcher Avenue (U.S. Highway No. 9-W), to junction of Linwood Avenue, thence over Linwood Avenue to junction Fairview Avenue, thence over Fairview Avenue to junction Edwin Avenue, thence over Edwin Avenue to junction of Park Place, thence over Park Place to junction of Linwood Avenue, and thence returning over Linwood Avenue to junction Fletcher Avenue (U.S. Highway No. 9-W), thence over Fletcher Avenue (U.S. Highway No. 9-W) to junction Kelby Street (N.J. Highway No. 4) thence over Kelby Street (N.J. Highway No. 4) to junction Center Avenue and South Marginal Road; (c) From the junction of Linwood Avenue and Fletcher Avenue (U.S. Highway No. 9-W), over Linwood Avenue to the junction of Main Street and return over the same route; and (d) From the junction of Lemoine Avenue and South Marginal Road (N.J. Highway No. 4) over Lemoine Avenue to the junction of Cross Street, thence over Cross Street to the junction of Fletcher Avenue, (U.S. Highway No. 9-W); (4) Between Cliffside Park and Fort Lee, New Jersey, serving all intermediate points: From the junction of Anderson Avenue and Edgewater Road, Cliffside Park, New Jersey, over Edgewater Road to the junction of Gorge Road and Palisade Avenue, thence over Palisade Avenue to the junction of Columbia Avenue, Fort Lee, New Jersey and return over the same route; and (5) Between Cliffside Park and Edgewater, New Jersey, serving all intermediate points: From the junction of Gorge Road and Palisade Avenue, Cliffside Park, New Jersey, over Gorge Road, via Cliffside Park and Edgewater, New Jersey, to the junction of River Road, Edgewater, New Jersey, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 138828 (Sub-No. 4), filed January 9, 1974. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express*

and newspapers in the same vehicle with passengers, Between Ringwood, N.J. and New York, N.Y.; From junction of Margaret King Avenue and Greenwood Lake Turnpike in Ringwood, N.J., over Margaret King Avenue to junction Sloatsburg Road, thence over Sloatsburg Road (also known as Manor Road) to junction Eagle Valley Road, thence over Eagle Valley Road to New York Highway 17, thence over New York Highway 17 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95 (also known as the New Jersey Turnpike) thence over Interstate Highway 95 to access roads of New Jersey Highway 3 and Interstate Highway 495, thence over New Jersey Highway 3 and Interstate Highway 495 through the Lincoln Tunnel to the New York and New Jersey Port Authority Terminal in New York, N.Y. and return over the same route, serving only Warwick and Greenwood Lake, N.Y.; Greenwood Lake, West Milford and Ringwood, N.J. and New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 139431 (Sub-No. 1), filed December 3, 1973. Applicant: ED SITNER, C. L. SUMMERFIELD, LLOYD HALL, AND ASSOCIATION, doing business as WYMO TRANSPORTATION, 41 East Burkitt, Sheridan, Wyo. 82801. Applicant's representative: Bruce P. Badley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from Sheridan, Wyo. and Decker, Mont., to coal mines in Montana and Wyoming in a twenty mile radius of Decker, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sheridan or Casper, Wyo.

No. MC 139440, filed January 2, 1974. Applicant: HAMMOND YELLOW AND CHECKER CAB, INC., doing business as AIRPORT LIMOUSINE, 5850 Calumet Avenue, Hammond, Ind. 46320. Applicant's representative: Donald W. Smith; Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, be-

tween points in Lake, LaPorte and Porter Counties, Ind., on the one hand, and, on the other, O'Hare International Airport and Midway Airport at Chicago, Ill., restricted to the transportation of passengers and their baggage having an immediately prior or immediately subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

BROKER APPLICATION

No. MC 130225 (Amendment), filed December 19, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as amended this issue. Applicant: SHIP & SHORE TRAVEL AGENCY, INC., 657 Walnut Street, Macon, Ga. 31201. Applicant's representative: Timothy K. Adams, 500 First National Bank Building, Macon, Ga. 31201. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Macon, Ga., to sell or offer to sell the transportation of *passengers and their baggage* in all-expense round trip sight-seeing and pleasure tours by motor vehicle, rail, water, and air carrier or a combination thereof, beginning and ending at Macon, Ga., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate applicant's amended request for authority. If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga., or Birmingham, Ala.

SPECIAL REPUBLICATION

No. MC 116073 (Sub-No. 31) (Republication), filed August 19, 1965, published in the FEDERAL REGISTER issue of September 9, 1965; No. MC 116073 (Sub-No. 35) (Republication), filed August 19, 1965, published in the FEDERAL REGISTER issue of September 9, 1965, and No. MC 116073 (Sub-No. 85) (Republication), filed October 10, 1968, published in the FEDERAL REGISTER issue of October 31, 1968. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representatives: Robert G. Tessar, 1819 4th Avenue South, Kegal Plaza, Moorhead, Minn. 56560, and Donald E. Cross and John R. Bagileo, 700 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: No.

MC 116073 (Sub-No. 31): *Buildings*, complete or in sections, traveling on their own or removable undercarriages equipped with hitchball coupler, from points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, and Alaska, to points in the United States, including points in Alaska (but excluding Hawaii); No. MC 116073 (Sub-No. 35): *Buildings*, complete or in sections, traveling on their own or with removable undercarriages equipped with hitchball coupler, between points in Arizona, on the one hand, and, on the other, points in the United States, including Alaska (but excluding Hawaii); and No. MC 116073 (Sub-No. 85): *Trailers* designed to be drawn by passenger automobiles and *sectional buildings*, in initial movements, from points in Idaho to points in the United States, excluding Hawaii.

NOTE.—On September 5, 1973, the United States District Court for the District of Minnesota entered its opinion and judgment in its Civil Action No. 4-71 CIV 627, *Barrett Mobile Home Transport, Inc. v. United States, et al.*, setting aside the orders of the Commission in these proceedings and remanding them for further action by the Commission in accordance with the views expressed in said opinion of the Court. Said proceedings have been reopened by the Commission for further hearing on a consolidated record, at the times and places set forth below, for the purpose of receiving additional evidence. In light of the views expressed in the opinion of the Court the Commission will at such further hearing in No. MC 116073 (Sub-No. 31) and No. MC 116073 (Sub-No. 35) receive evidence respecting and ultimately decide whether the present or future public convenience and necessity requires the transportation of *trailers* designed to be drawn by passenger vehicles, and *buildings*, in sections, mounted on wheeled undercarriages.

Hearing schedule: April 20, 1974 (3 days), at Phoenix, Ariz.; May 2, 1974 (2 days), at Las Vegas, Nev.; May 6, 1974 (3 days), at Los Angeles, Calif.; May 9, 1974 (2 days), at Seattle, Wash.; May 13, 1974 (2 days), at Spokane, Wash.; May 15, 1974 (3 days), at Boise, Idaho; June 10, 1974 (2 days), at Great Falls, Mont.; June 12, 1974 (2 days), at Billings, Mont.; June 17, 1974 (1 week), at Denver, Colo.; June 24, 1974 (2 days), at Pierre, South Dakota.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4327 Filed 2-27-74;8:45 am]

federal register

THURSDAY, FEBRUARY 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 41

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

MEAT PRODUCTS POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCYSUBCHAPTER N—EFFLUENT GUIDELINES AND
STANDARDSPART 432—MEAT PRODUCTS POINT
SOURCE CATEGORY

On October 29, 1973 notice was published in the *FEDERAL REGISTER*, (38 FR 29858) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory, and the high-processing packinghouse subcategory of the meat products category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the meat products category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 432. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c), and 1317(c) and; 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the *FEDERAL REGISTER*, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory and high-processing packinghouse subcategory. In addition, the regulations as proposed were supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Red Meat Processing Segment of the Meat Product and Rendering Processing Point Source Category" (October, 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Meat Packing Industry" (August, 1973). Both of these documents were made available to the public and

circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains important changes from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not implemented.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Agriculture; U.S. Department of Health, Education, and Welfare; Water Resources Council; State of Colorado; American Association of Meat Processors; Hillshire Farm Company; Henry A. Lurie and Associates; National Renderers Association; Florida Meat Packers Association; Iowa Beef Processors, Inc.; Farmland Foods, Inc.; American Beef Packers; Bell, Galyardt, and Wells; Los Angeles County Sanitation District; Greyhound Corporation; University of Florida; American Meat Institute; Esmark, Inc.; Spencer Foods, Inc.; State of Michigan; and U.S. Department of the Interior.

Each of the comments received was reviewed and analyzed carefully. The following is a summary of the significant comments and the Agency's response to those comments.

(1) The comment was made that the definitions of the subcategories were not clear regarding operations which slaughtered animals and produced fresh meat cuts smaller than quarter carcasses.

Subcategory definitions have been developed to account for the basic discrete differences which may be encountered for operations in the meat packing industry. Thus, slaughterhouses are generally differentiated by raw waste loads for the production processes involved (including by-product recovery). At the same time, any given slaughterhouse slaughters livestock and provides a primary final product of fresh meat which is usually shipped from the premises in units of "quarters" or "sides" (beef) or whole carcasses (hogs, sheep). Smaller units (roasts, steaks) may occasionally be provided as a secondary final product, and a few slaughterhouses produce these smaller "cuts" as the major final product. With respect to these latter operations, the Agency agrees that the definitions should be more explicit to avoid confusion. Accordingly, the definition of a slaughterhouse has been modified to reflect the wide size range of fresh meat cuts which may be produced.

(2) Several comments addressed the validity of nutrient limitations for new sources on the basis that data are inadequate and that the necessary technology has not been demonstrated for meat wastes.

The Agency agrees that the data regarding nitrates and phosphorus is limited. Documentation of nitrate control based upon municipal pilot plant studies has apparently not progressed to a point of reasonable assurance for success on meat packing wastes. Highly efficient biological treatment plants in the industry are discharging low nitrate loads, but the reason or mechanism of removal in the treatment process is not fully documented since nitrate control was not encompassed by original plant design or operation. As a consequence, it does not appear reasonable to presume that new sources could avail themselves of nitrate controls over and above the control achieved in the course of efficient biological treatment with concurrent ammonia reduction. A somewhat different situation exists with phosphorus. In this instance, EPA is not aware of specific instances where extensive phosphorus removal has been demonstrated in this industry. At the same time, the comments seem to reflect a general consensus that phosphorus control could be achieved by new sources at a significant cost using technology shown to be successful on other waste types. The problem is the scarcity of data to fully characterize the extent to which phosphorus exists in waste water flows, in turn how much if any phosphorus must be removed or permitted to be discharged. In addition, housekeeping and in-process controls appear to be of major consequence since those plants using extensive dry cleanup procedures may expect lower phosphorus loads in raw wastes than might otherwise be the case. Because of the lack of reasonably definitive information upon which to base limitations for nitrates and phosphorus, EPA has deleted requirements to control these nutrients from the standards of performance for new sources.

In contrast to nitrates and phosphorus, there is a significant amount of information on the parameter ammonia. In this case, several existing plants are achieving ammonia reduction coincident with the efficiently operated plants. Moreover, there is a substantial volume of evidence to show that activated sludge treatment enhances the removal of ammonia. Therefore, limitations for ammonia commensurate with efficient existing operations will be specified for new sources.

(3) A number of comments reflected concern that the types of technology used as a basis for the limitations, particularly where lagoons or ponds served as the final stage of treatment, would not reliably meet the limitations even for the "exemplary" plants.

The issue of reliability is primarily a combination of statistical validity of the available data on exemplary plants combined with the design and operation of

production and treatment plants. In the case of statistical validity, the data upon which the proposed limits were based encompassed information from the literature, individual plants and EPA permits and research sources. Both refined statistical methods (such as regression analysis) and empirical engineering judgments were employed to interpret the results of the various data analyses. The proposed limitations thus developed were based entirely on the data itself and the limits are generally achieved by the "exemplary" plants in the industry. Many other plants are slightly above the limits in effluent quality but the nature of the treatment facilities for these plants is such that minor improvements in facilities, housekeeping and full-time attention to treatment plant operation may be expected to improve discharges to comply with the limitations. Nevertheless, EPA was provided with additional data on some plants particularly regarding seasonal performance fluctuations as part of the comments on the proposed regulations. These data related primarily to plants in the simple slaughterhouse subcategory and showed that two plants in the subcategory were actually far superior to the average of the remaining "exemplary" plants; as a result these plants routinely performed beyond the scope of best practicable technology. Consequently, the limitations for certain parameters in this subcategory have been marginally adjusted. Because the performance of treatment systems for this subcategory complemented the determinations for limitations in other subcategories, limits in the other subcategories have been similarly revised. In no case do the revisions compromise the validity of the original exemplary plants; rather, the revisions now appear to more properly reflect the day-to-day capability of the exemplary plants in meeting discharge requirements. Moreover, because the data (which included industry data and on-site sampling when temperature effects would be expected to be pronounced) reflected seasonal performance for plants located generally in northern climates, this capability is reiterated for seasonal variations, particularly cold weather conditions. Finally, an empirical formula presented in the Development Document to be used in determining the limitations for the unusually large packinghouses (the largest plants in the high-processing packinghouse subcategory in terms of processed meat products relative to animals slaughtered) was omitted from the proposed regulation due to a typographical error. This formula has been included in the promulgated regulation.

(4) The suggestion was made that requirements for disinfection of waste waters were redundant with water quality standards.

Available data shows waste waters in this industry are frequently high in coliform (indicator organism) bacteria. Raw waste water may contain discharges from animal holding pens and other sources which have a potential for ad-

verse health impact on humans or livestock. Disinfection, which is currently practiced (or indirectly achieved without chlorination) by plants in the industry, is consequently a necessary adjunct to the effluent limits on other parameters. Limitations have been set which are readily achievable by chlorination, ozonation or other possible method for disinfecting water. Water quality standards do not render the effluent limits redundant since they relate only to the possible need to disinfect to a higher degree than required by the effluent limitations in order to protect in-stream quality. Revisions have been made in the Development Document commensurate with the costs incurred for disinfection.

(5) The suggestion was made that the definitions of the terms "LWK" and "ELWK" should include weight of animals as well as number to help clarify determinations of plant production.

This comment is valid. The definitions of both "LWK" (live weight killed) and "ELWK" (equivalent live weight killed) have been modified to explain that the terms both refer to total weights of animals slaughtered for a given time frame. Moreover, in the case of "ELWK", additional explanatory discussion has been added to the Development Document as a guide for estimating "ELWK" when actual production information is not known.

(6) Several comments suggested that more emphasis be given to the concept of "no discharge" using land application of treated effluents.

The Development Document has been revised to amplify the discussion of this technology. Except for some plants located in arid areas of the country and an unknown number of very small operations, "no discharge" technology is not practiced within this industry. However, several plants are contemplating or initiating plans in this regard. The concept certainly has great potential for this industry particularly since many large plants are being constructed in rural areas where land can be available for crop irrigation or similar activity.

(7) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(8) A number of commenters suggested that the ratio (1.66) of maximum daily limitations to the maximum aver-

age for thirty consecutive days was too low.

During the course of the analysis resulting in the adjustments discussed in item (3) above, a re-analysis of available data was also conducted to check on the relationship of daily values to 30 consecutive day averages. An analysis of available data revealed an excursion of daily to thirty day values of between 1.5 and 2.0. Data points were found to group rather closely within this relationship from which an average ratio of 1.66 was given in the proposed regulation. However, it was found that a substantial grouping of daily values between 1.66 and 2.0 existed apparently attributable to normal variations within the treatment system. As a result, EPA has concluded that a more reliable, conservative ratio of 2.0 reasonably accounts for day-to-day fluctuations.

(9) The comment was made that the ammonia limitation under best available technology economically achievable was too stringent.

The ammonia limitation was derived from engineering judgment as to the reliable capability of the air stripping method of ammonia control. The majority of information on the concept was derived from pilot data and literature on the use of the concept in petroleum refinery waste treatment and municipal tertiary treatment. It would appear that the limitation is a reasonable current estimate of the capability of ammonia stripping techniques for controlling this parameter. As additional information on this or other methods of ammonia control is developed through improved technology, the additional information will be considered when subsequent reviews of these limitations are conducted as required by the Act.

(10) The comment was made that the oil and grease limitations of 10 mg/l was too stringent because concentrations in this low range could not be reliably measured.

The Agency agrees that the analytical test procedure (hexane solubles analysis) used historically to determine the data reported in the Development Document is of potentially questionable accuracy at very low concentrations. At the same time, the vast majority of comments submitted by the industry specifically indicated that this concentration could be "achieved" with best practicable control technology as long as the poor reliability of the test procedure was recognized. In order to counteract legitimate variations due to test results for oil and grease in small amounts, limitations for this parameter have been re-specified as a function of production load which effectively permits concentrations to fluctuate to some degree while limiting the amount of material discharged from the treatment facility.

(11) The comment was made that the cost to the industry for meeting the proposed effluent limitations were understated particularly for best practicable control technology.

As described in the Development Document, both the individual plant capital

costs and those for the entire industry for complying with limitations based upon best practicable control technology currently available, are predicated upon an assumption derived from available data. The data revealed that except for plants in municipalities, no evidence was discovered which showed untreated or primary treated wastes being discharged to streams. Thus, the assumption was made that all plants presently discharging directly to navigable waters already have installed basic anaerobic-aerobic lagoon treatment facilities or the equivalent thereof.

The best plants in the industry were generally found to include at least mechanical aeration processes in addition to the basic anaerobic-aerobic treatment. This general scope of treatment technology provided a basis for the limitations. As a consequence, costs were developed as a function of the incremental costs required to upgrade existing treatment facilities by adding mechanically aerated processes. Costs per plant therefore reflect the estimates for adding this feature for a "typical" plant in each subcategory. Data submitted by commenters showed such costs to range between \$50,000 and \$70,000 for adding mechanical aeration to existing facilities, and thus confirm the Agency's original estimates in this regard. Also, as noted above, costs of disinfection have been added to original estimates of plant and industry costs.

In the opinion of EPA, this modification of existing treatment plants coupled with good housekeeping and careful operation of treatment facilities will be sufficient to comply with the stated limits. At the same time, it should be acknowledged that certain plants may have unusual circumstances which would dictate more extensive and costly modifications particularly if the decision was made to achieve an effluent quality generally superior to that required by the limits. However, the industry has already incurred a substantial investment in waste treatment to achieve the current, relatively high standard of pollution control and the cost of the additional requirements imposed by the stated limitation is not expected to diverge greatly from the estimates provided in the Development Document.

The estimates of costs to the industry derive from an analysis of data provided by the industry and profiles of the industry developed primarily from statistics on federally inspected plants. From this information, estimates of the number of plants in each subcategory were determined. Individual "typical" plant costs multiplied by the number of plants provided the total industry cost estimates of \$50 million to \$70 million for the period 1974-1977. This compares very favorably to industry capital cost estimates of \$100 million for both water and air pollution control in the period 1971-1976.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulations by the EPA, the following

changes have been made in the regulation.

(1) The language of the definition of slaughterhouses has been modified slightly to clarify subcategorization of some operations which may primarily produce fresh meat cuts smaller than quarters.

(2) Definitions of the terms for units of production, "LWK" (liveweight killed) and "ELWK" (equivalent liveweight killed) have been modified to show that the weight of animals slaughtered is the fundamental production unit.

(3) Except for the pollutant ammonia, requirements for nutrient removal (nitrates and phosphorus) have been deleted from standards of performance for new sources.

(4) Except for the subcategory of high-processing packinghouses, the limitations for BOD₅ and TSS have been modified in all subcategories to more effectively reflect the average of the performance of the exemplary treatment plants in the industry. For the high-processing packinghouse subcategory, an empirical formula has been added for determining the limitations for those plants which generally have ratios of processed products to liveweight killed that are higher than the 0.55 average for plants in the subcategory.

(5) The language of the proposed pretreatment requirements for new sources has been modified to resolve an inconsistency between pretreatment and the standards of performance for new sources. The pollutant ammonia is included in the standards of performance; the standard is substantially based upon the levels attained coincident with efficient biological treatment. As proposed, new source pretreatment would have necessitated unnecessary and extremely costly duplication of treatment plants in that the meat products plants would have to fully treat raw wastes to reduce the ammonia, while the same levels of reduction may be expected by publicly owned treatment works. Consequently, the pretreatment requirements for new sources in all subcategories have been revised, that process waste waters from all subcategories may be discharged to publicly owned treatment works without pretreatment, so long as such discharges comply with the applicable provisions of Part 128 of this chapter.

(6) The ratio of maximum daily values to maximum averages for thirty consecutive days has been changed from 1.66 to 2.0 for BOD₅, TSS, oil and grease, and ammonia for all effluent limitations and standards of performance for new sources for all subcategories.

(7) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of Section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bear-

ing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The above mentioned changes will not significantly affect the conclusions of the economic study of the proposed regulations.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the red meat processing segment of the meat products point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Red Meat Processing Segment of the Meat Products and Rendering Processing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the Meat Packing Industry" (August 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the meat products industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Red Meat Processing Segment of the Meat Products and Rendering Processing Point Source

Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 432, Meat Products Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 29, 1974.

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Simple Slaughterhouse Subcategory

- Sec.
432.10 Applicability; description of the simple slaughterhouse subcategory.
432.11 Specialized definitions.
432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.14 Reserved.
432.15 Standards of performance for new sources.
432.16 Pretreatment standards for new sources.

Subpart B—Complex Slaughterhouse Subcategory

- 432.20 Applicability; description of the complex slaughterhouse subcategory.
432.21 Specialized definitions.
432.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.24 Reserved.
432.25 Standards of performance for new sources.
432.26 Pretreatment standard for new sources.

Subpart C—Low Processing Packinghouse Subcategory

- 432.30 Applicability; description of the low processing packinghouse subcategory.
432.31 Specialized definitions.
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Subpart A—Simple Slaughterhouse Subcategory

§ 432.10 Applicability; description of the simple slaughterhouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses, in whole or part, by simple slaughterhouses.

§ 432.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "slaughterhouse" shall mean a plant that slaughters animals and has as its main product fresh meat as whole, half or quarter carcasses or smaller meat cuts.

(c) The term "simple slaughterhouse" shall mean a slaughterhouse which accomplishes very limited by-product processing, if any, usually no more than two of such operations as rendering, paunch and viscera handling, blood processing, hide processing, or hair processing.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.

(e) The term "ELWK" (equivalent live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant,

raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD ₅	0.21	0.12
TSS.....	.40	.20
Oil and grease.....	.12	.06
Fecal coliform.....	Maximum at any time 450 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb LWK)	
BOD ₅	0.21	0.12
TSS.....	.40	.20
Oil and grease.....	.12	.06
Fecal coliform.....	Maximum at any time 450 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants

or pollutant properties, controlled by this section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS.....	.03	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.04	0.02
TSS.....	.03	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS.....	.03	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.04	0.02
TSS.....	.03	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.06	0.03
TSS.....	.12	.06
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.06	0.03
TSS.....	.12	.06

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.12(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02
pH.....	Within the range 6.0 to 9.0.	

§ 432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.06	0.03
TSS.....	.10	.05
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.06	0.03
TSS.....	.10	.05
	Milligrams per liter—effluent	
Ammonia.....	8.0	4.0
Oil and grease.....	10.0	
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.13(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.011	0.007
TSS.....	.026	0.13
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.011	0.007
TSS.....	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.13(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS.....	.01	.02
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.02	0.01
TSS.....	.01	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.13(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.006	0.003
TSS.....	.014	.007
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.006	0.003
TSS.....	.014	.007

§ 432.14 [Reserved]

§ 432.15 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties,

controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: the limitations shall be as specified in § 432.12(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.34	0.17
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.34	0.17

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.15(a) and 432.12(c):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.06	0.03
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.06	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.15(a) and 432.12(d):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.10	0.05
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.15(a) and 432.12(e):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.01	0.02
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.01	0.02

§ 432.16 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the simple slaughterhouse subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart B—Complex Slaughterhouse Subcategory

§ 432.20 Applicability; description of the complex slaughterhouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses, in whole or part, by complex slaughterhouses.

§ 432.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "slaughterhouse" shall mean a plant that slaughters animals and has as its main product fresh meat as whole, half or quarter carcasses or smaller meat cuts.

(c) The term "complex slaughterhouse" shall mean a slaughterhouse that accomplishes extensive by-product processing, usually at least three of such operations as rendering, paunch and viscera handling, blood processing, hide processing, or hair processing.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.

(e) The term "ELWK" (equivalent live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best

practical control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD ₅	0.42	0.21
TSS.....	.50	.25
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb LWK)	
BOD ₅	0.42	0.21
TSS.....	.50	.25
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS.....	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.04	0.02
TSS.....	.08	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS.....	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.033	0.02
TSS.....	.066	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.06	0.03
TSS.....	.12	.06
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.06	0.03
TSS.....	.12	.06

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.22(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02

§ 432.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD ₅	0.03	0.01
TSS.....	.14	.07
	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb LWK)	
BOD ₅	0.03	0.01
TSS.....	.14	.07
	Milligrams per liter—effluent	
Ammonia.....	8.0	4.0
Oil and grease.....	10.0	
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to this processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.23(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.014	0.007
TSS.....	.026	.013
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.014	0.007
TSS.....	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.23(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.23(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.006	0.003
TSS.....	.014	.007
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.006	0.003
TSS.....	.014	.007

§ 432.24 [Reserved]

§ 432.25 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by product processing of carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: The limitations shall be as specified in § 432.22(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
Ammonia.....	0.48	0.24
	English units (pounds per 1,000 lb LWK)	
Do.....	0.48	0.24

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.25(a) and 432.22(c):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.03	0.03
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.03	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.25(a) and 432.22(d):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.10	0.05
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the slaughterhouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.25(a) and 432.22(e):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.04	0.02
	English units (pounds per 1,000 lb ELWK)	
Do.....	0.04	0.02

§ 432.26 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the simple slaughterhouse subcategory,

which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart C—Low-Processing Packinghouse Subcategory

§ 432.30 Applicability; description of the low-processing packinghouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses in whole or part, by low-processing packinghouses.

§ 432.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "packinghouse" shall mean a plant that both slaughters animals and subsequently processes carcasses into cured, smoked, canned or other prepared meat products.

(c) The term "low processing packinghouse" shall mean a packinghouse that processes no more than the total animals killed at that plant, normally processing less than the total kill.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.

(e) The term "ELWK" (equivalent live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on-site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology

available, energy requirements and costs) which can affect the industry sub-categorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or byproduct, processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD ₅	0.34	0.17
TSS.....	.48	.24
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb LWK)	
BOD ₅	0.34	0.17
TSS.....	.48	.24
Oil and grease.....	.16	.08
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this

section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS.....	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.04	0.02
TSS.....	.08	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS.....	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.04	0.02
TSS.....	.08	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.06	0.03
TSS.....	.12	.06
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.06	0.03
TSS.....	.12	.06

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.32(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02

§ 432.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD ₅	0.08	0.04
TSS.....	.12	.06
pH.....	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb LWK)	
BOD ₅	0.08	0.04
TSS.....	.12	.06
	Milligrams per liter—effluent	
Ammonia.....	8.0	4.0
Oil and grease.....	10.0
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.	
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.33(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.014	0.007
TSS.....	.026	.013
	English units (pounds per 1,000 lb ELWK)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.014	0.007
TSS.....	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.33(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02
	English units (pounds per 1,000 lb ELWK)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS.....	.04	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.33(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.006	0.003
TSS.....	.014	.007
	English units (pounds per 1,000 lb ELWK)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.006	0.003
TSS.....	.014	.007

§ 432.34 [Reserved]

§ 432.35 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent

meat, meat product or by product processing of carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: The limitations shall be as specified in § 432.32(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
Ammonia.....	0.48	0.24
	English units (pounds per 1,000 lb LWK)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
Do.....	0.48	0.24

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.35(a) and 432.32(c):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.06	0.03
	English units (pounds per 1,000 lb ELWK)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Do.....	0.06	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.35(a) and 432.32(a).

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.10	0.05
	English units (pounds per 1,000 lb ELWK)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Do.....	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.35(a) and 432.32(e):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia.....	0.04	0.02
	English units (pounds per 1,000 lb ELWK)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Do.....	0.04	0.02

§ 432.36 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307 (c) of the Act for a source within the simple slaughterhouse subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for § 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

Subpart D—High-Processing Packinghouse Subcategory

§ 432.10 Applicability; description of the high-processing packinghouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses, in whole or part, by high-processing packinghouses.

§ 432.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "packinghouse" shall mean a plant that both slaughters animals and subsequently processes carcasses into cured, smoked, canned or other prepared meat products.

(c) The term "high-processing packinghouse" shall mean a packinghouse which processes both animals slaughtered at the site and additional carcasses from outside sources.

(d) The term "LWK" (live weight killed) shall mean the total weight of the total number of animals slaughtered during the time to which the effluent limitations apply; i.e., during any one day or any period of thirty consecutive days.

(e) The term "ELWK" (equipment live weight killed) shall mean the total weight of the total number of animals slaughtered at locations other than the slaughterhouse or packinghouse, which animals provide hides, blood, viscera or renderable materials for processing at that slaughterhouse, in addition to those derived from animals slaughtered on-site.

(f) The term "oil and grease" shall mean those components of process waste water amenable to measurement by the method described in "Methods for Chemical Analysis of Water and Wastes," 1971, EPA, Analytical Quality Control Laboratory, page 217.

§ 432.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or byproduct processing of carcasses

of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg LWK)	
BOD ₅ +	0.48	0.24
TSS+	.62	.31
Oil and grease	.26	.13
Fecal coliform	Maximum at any time 400 mpn/100 ml.	
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb LWK)	
BOD ₅ +	0.48	0.24
TSS+	.62	.31
Oil and grease	.26	.13
Fecal coliform	Maximum at any time 400 mpn/100 ml.	
pH	Within the range 6.0 to 9.0	

+ The values for BOD₅ and suspended solids are for average plants, i.e., plants with a ratio of average weight of processed meat products to average LWK of 0.55. Adjustments can be made for high-processing packinghouses at other ratios according to the following equations:

$$\text{kg BOD}_5/1000 \text{ kg LWK} = 0.21 + 0.23 (v - 0.4)$$

$$\text{kg SS}/1000 \text{ kg LWK} = 0.28 + 0.30 (v - 0.4)$$

where $v = \text{kg processed meat products/kg LWK}$.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing (defleshing, washing and curing) of hides derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.04	0.02
TSS	.08	.04

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.04	0.02
TSS	.08	.04
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.04	0.02
TSS	.08	.04

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.00	0.03
TSS	.12	.00
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.00	0.03
TSS	.12	.00

(e) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.42(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS	.04	.02
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.02	0.01
TSS	.04	.02

§ 432.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by-product processing of carcasses of animals slaughtered on site, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅ +	0.16	0.03
TSS+	.20	.10
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb ELWK)	
BOD ₅ +	0.16	0.03
TSS+	.20	.10
	Milligrams per liter—effluent	
Ammonia	8.0	4.0
Oil and grease	10.0	
Fecal coliform	Maximum at any time 400 mpn/100 ml.	

+ The values for BOD 5 and suspended solids are for average plants, i.e., plants with a ratio of average weight of processed meat products to average LWK of 0.55. Adjustments can be made for high-processing packinghouses at other ratios according to the following equations:

$$\text{kg BOD } 5/1000 \text{ kg LWK} = 0.07 + 0.08(v - 0.4)$$

$$\text{kg SS}/1000 \text{ kg LWK} = 0.09 + 0.10(v - 0.4)$$

where $v = \text{kg processed meat products/kg LWK}$.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.43(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.014	0.007
TSS	.026	.013
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.014	0.007
TSS	.026	.013

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.43(a):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.02	0.01
TSS	.01	.02
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.02	0.01
TSS	.01	.02

(d) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a point source subject to the provisions of this subpart, in addition to the discharge allowed by § 432.43(d):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
BOD ₅	0.003	0.003
TSS	.014	.007
	English units (pounds per 1,000 lb ELWK)	
BOD ₅	0.003	0.003
TSS	.014	.007

§ 432.44 [Reserved]

§ 432.45 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or by product processing or carcasses of animals slaughtered on-site which may be discharged by a new source subject to the provisions of this subpart: The limitations shall be as specified in § 432.42(a), with the exception that in addition to the pollutants or pollutant properties controlled by that subsection, discharges of ammonia shall not exceed the limitations set forth below:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.80	0.40
	English units (pounds per 1,000 lb ELWK)	
Do	0.80	0.40

(b) The following standards of performance establish the quantity or qual-

ity of pollutants or pollutant properties, controlled by this section and attributable to the processing of blood derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.45(a) and 432.42(c):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.06	0.03
	English units (pounds per 1,000 lb ELWK)	
Do	0.06	0.03

(c) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the wet or low temperature rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.45(a) and 432.42(d):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.10	0.05
	English units (pounds per 1,000 lb ELWK)	
Do	0.10	0.05

(d) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to the dry rendering of material derived from animals slaughtered at locations other than the packinghouse, which may be discharged by a new source subject to the provisions of this subpart, in addition to the discharge allowed by §§ 432.45(a) and 432.42(e):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg ELWK)	
Ammonia	0.04	0.02
	English units (pounds per 1,000 lb ELWK)	
Do	0.04	0.02

§ 432.46 Pretreatment standards for new sources.

The pretreatment standards for incompatible pollutants under section 307(c) of the Act for a source within the simple slaughterhouse subcategory,

which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except for

§ 128.133. Subject to the provisions of 40 CFR Part 128, process waste waters from a new source subject to the provisions of this subpart may be introduced into a publicly owned treatment works.

[FR Doc.74-4385 Filed 2-27-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 432]

MEAT PRODUCTS POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 432—Meat Products Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory and high-processing packinghouse subcategory of the meat products point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 432) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Sections 432.15, 432.25, 432.35 and 432.45 of the proposed regulation for point sources within the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory and high-processing packinghouse subcategory (October 29, 1973; 38 FR 29858), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 432.16, 432.26, 432.36, and 432.46 which state the applicability of standards of performance for purposes of pretreatment standards for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Red Meat Processing Segment of the Meat Products and Rendering Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Meat Packing Industry" (August 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of the materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of red meat products, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those technologies and the potential effects of those costs on the price and production of red meat products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the meat products point source category (38 FR 29858; October 29, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to

those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 432) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the simple slaughterhouse subcategory, complex slaughterhouse subcategory, low-processing packinghouse subcategory, and high-processing packinghouse subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines, or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As fully described in the Development Document, the process waste waters from the simple slaughterhouse, complex slaughterhouse, low-processing packinghouse, and high-processing packinghouse subcategories contain solids, organic materials and nutrients. Except for variations in the typical amounts of these constituents, the process waste waters for each subcategory are similar. Moreover, the process waste waters from each of the four subcategories are treatable by biological methods. In the opinion of EPA suitable design and capacity can be provided for a publicly owned treatment works to account for these discharges. In this regard, all pollutants in these process waste waters controlled by the effluent limitations guidelines for best practicable control technology currently available are compatible as defined in 40 CFR Part 128 except for oil and grease. However, oil and grease, particularly from animal sources, can be treated by biological techniques and a substantial portion of the potential raw waste load of oil and grease

is recovered during production processes in the typical operation. In the absence of the ability to discharge oil and grease, plants would find it necessary to fully treat all wastes using best practicable control technology at unnecessary expense and duplication of treatment facilities. Accordingly, the first option should be applicable and the guidelines should not apply to operations in the subcategories (simple slaughterhouse, complex slaughterhouse, low-processing packinghouse, high-processing packinghouse) of the meat products industry which discharge to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip E. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements or sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 432 be amended to add §§ 432.14, 432.24, 432.34, 432.44. All comments received by April 1, 1974, will be considered.

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

PART 432—MEAT PRODUCTS POINT SOURCE CATEGORY

40 CFR Part 432 is proposed to be amended by adding the following sections:

- Sec.
432.14 Pretreatment standards for existing sources.
432.24 Pretreatment standards for existing sources.
432.34 Pretreatment standards for existing sources.
532.44 Pretreatment standards for existing sources.

§ 432.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR Part 432.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 432.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 432.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 432.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 432.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 432.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 432.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-4386 Filed 2-27-74;8:45 am]

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